

















# UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS  
ENACTED DURING THE FIRST SESSION OF THE  
SEVENTY-SIXTH CONGRESS  
OF THE UNITED STATES OF AMERICA

1939

AND

TREATIES, INTERNATIONAL AGREEMENTS OTHER  
THAN TREATIES, PROCLAMATIONS, AND  
REORGANIZATION PLANS

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IN THREE PARTS

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PART 3

PRIVATE LAWS, CONCURRENT RESOLUTIONS,  
TREATIES, INTERNATIONAL AGREEMENTS OTHER  
THAN TREATIES, AND PROCLAMATIONS



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## NOTICE

The original of every act and joint resolution printed in this volume has the following heading:

SEVENTY-SIXTH CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the third  
day of January, one thousand nine hundred and thirty-nine

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All bills and joint resolutions presented to the President of the United States bear the signatures of the Speaker (or of the Speaker *pro tempore*) of the House of Representatives and of the Vice President of the United States and President of the Senate (or of the President of the Senate *pro tempore*); those signatures accordingly appear on the originals of all acts and joint resolutions.

The signature of the President of the United States appears on the originals of all approved acts and joint resolutions.

The original of every act and joint resolution has endorsed thereon a certificate of origin, signed, as the case may be, by the Clerk of the House of Representatives or by the Secretary of the Senate and reading "I certify that this Act (or Joint Resolution) originated in the House of Representatives (or Senate)." The origin of each act and resolution contained in this volume is indicated in the margin at the beginning of each enactment; thus, for example, H. R. 3100 or H. J. Res. 110 indicates origin in the House of Representatives, and S. 218 or S. J. Res. 2 indicates origin in the Senate.

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# PRIVATE LAWS





# PRIVATE LAWS

ENACTED DURING THE

FIRST SESSION OF THE SEVENTY-SIXTH CONGRESS

OF THE

UNITED STATES OF AMERICA

*Begun and held at the City of Washington on Tuesday, January 3, 1939, and adjourned  
without day on Saturday, August 5, 1939*

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; WILLIAM B. BANKHEAD, Speaker of the House of Representatives; SAM RAYBURN, Speaker of the House of Representatives *pro tempore*, July 1-11, 1939.

## [CHAPTER 12]

### AN ACT

For the relief of Manuel D. A. Otero, as administrator of the estate of Teresita S. Otero, deceased.

March 20, 1939

[S. 218]

[Private, No. 1]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Manuel D. A. Otero, as administrator of the estate of Teresita S. Otero, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$255.44. Such sum shall be in full settlement of all claims against the United States on account of the death of the said Teresita S. Otero, resulting from personal injuries received on the 16th day of January 1935, on United States Highway Numbered 60, between Willard and Mountainair, New Mexico, while riding in an automobile which collided with an improperly parked Government truck, attached to Civilian Conservation Corps Camp F-35-N, located about three miles southwest from Manzano, in Torrance County, New Mexico: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Teresita S. Otero.  
Payment to estate  
of.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

Approved, March 20, 1939.

## [CHAPTER 13]

### AN ACT

For the relief of Emma Gomez.

March 20, 1939

[S. 219]

[Private, No. 2]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Emma Gomez, out of any money in the Treasury not otherwise appropriated, the sum of \$311.70. Such sum shall be in full settlement of

Emma Gomez.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

all claims against the United States on account of damages for personal injuries sustained by the said Emma Gomez on the 16th day of January 1935, on United States Highway Numbered 60, between Willard and Mountainair, New Mexico, while riding in an automobile which collided with an improperly parked Government truck, attached to Civilian Conservation Corps Camp F-35-N, located about three miles southwest from Manzano, in Torrance County, New Mexico: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 20, 1939.

#### [CHAPTER 14]

#### AN ACT

March 21, 1939

[S. 539]

[Private, No. 3]

For the relief of Charles E. Naghel, Special Disbursing Agent, Department of the Interior, and Kammeyer and Medack, contractors, from disallowance of charges for additional work under a construction contract.

Charles E. Naghel.  
Credit allowed in accounts of.

Removal of charges against officer and contractor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the amount of \$61.15 in the accounts of Charles E. Naghel, former Special Disbursing Agent of the Department of the Interior, at Juneau, Alaska, and to remove charges raised against such officer and against the contractor, Kammeyer and Medack, in that amount, representing a part of the payment made May 8, 1933, on voucher numbered 6800, for extra services performed and material furnished in connection with contract numbered 1 Ind-5796, dated June 10, 1932, for the construction of an Indian Service hospital at Unalaska, Alaska.

Approved, March 21, 1939.

#### [CHAPTER 23]

#### AN ACT

March 28, 1939

[H. R. 8100]

[Private, No. 4]

For the relief of Captain Francis H. A. McKeon.

Capt. Francis H. A. McKeon.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$291.46 to Francis H. A. McKeon, captain, Thirtieth Infantry, United States Army, in full satisfaction of his claim against the United States for refund of the amount stopped against his pay on account of errors made by personnel in his office in failing to deduct certain allotments of enlisted men, made against the pay of certain enlisted men, while he was detailed as personnel adjutant, Twenty-ninth Infantry, United States Army, Fort Benning, Georgia, during 1921 and 1922: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 28, 1939.

## [CHAPTER 25]

## JOINT RESOLUTION

To authorize Commander Henry Coyle, United States Coast Guard, to accept the decoration and diploma of the Marine Medal of Class One (gold), conferred upon him by the Government of Greece.

March 28, 1939

[H. J. Res. 110]

[Priv. Res., No. 1]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Commander Henry Coyle, United States Coast Guard, be authorized to accept the decoration and diploma of the Marine Medal of Class One (gold), conferred upon him by the Government of Greece in recognition of services rendered in the rescue of the crew of the Greek steamship Tzeny Chandris, which foundered on November 13, 1937, off the coast of Cape Hatteras; and that the Department of State be permitted to deliver such decoration and diploma to this officer.

Comdr. Henry Coyle.  
Acceptance of decoration, etc., from Greece authorized.

Delivery by Department of State.

Approved, March 28, 1939.

## [CHAPTER 29]

## AN ACT

For the relief of Benjamin Weisenberg.

March 29, 1939

[H. R. 767]

[Private, No. 5]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Benjamin Weisenberg, of Brooklyn, New York, the sum of \$1,000, in full settlement of all claims against the United States for personal injury sustained on July 2, 1935, at Ellenville, New York, when he was struck by a truck of the Department of Agriculture: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Benjamin Weisenberg.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 29, 1939.

## [CHAPTER 30]

## AN ACT

For the relief of Hyman Ginsberg.

March 29, 1939

[H. R. 1430]

[Private, No. 6]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Hyman Ginsberg, Birmingham, Alabama, the sum of \$4,000, in full settlement of all claims against the United States for personal injuries and property damage sustained in a collision involving the truck in which he was riding and a United States mail truck, at the intersection of Twelfth Street South and Avenue H, Birmingham, Alabama, on December 22, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be

Hyman Ginsberg.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 29, 1939.

[CHAPTER 31]

AN ACT

For the relief of Jack Nelson, a minor.

March 29, 1939  
[H. R. 1896]

[Private, No. 7]

Jack Nelson.  
Payment to guardian of.

Proviso  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Jack Nelson, a minor, Mount Pleasant, Pennsylvania, the sum of \$695, in full settlement of all claims against the United States for personal injuries received on April 13, 1936, when he was struck, on South Diamond Street, Mount Pleasant, Pennsylvania, by a Department of Agriculture truck driven by an Emergency Conservation Work employee: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 29, 1939.

[CHAPTER 32]

AN ACT

For the relief of Charles T. Wise.

March 29, 1939  
[H. R. 2079]

[Private, No. 8]

Charles T. Wise.  
Suit against United States authorized.

Jurisdiction conferred.

Proviso.  
Time limitation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Charles T. Wise, former owner of three farms consisting of three hundred and four acres of land, more or less, near Camp Knox in Hardin County, Kentucky, is, as such former owner, hereby authorized to bring such suit or suits as he may respectively desire to so do against the United States of America to recover damages, if any, for loss or losses which he may have sustained or suffered, as such owner, by reason of establishment, construction, or maintenance of Camp Knox in the State of Kentucky. Jurisdiction is hereby conferred upon the District Court of the United States for the Western District of Kentucky to hear, consider, determine, and render judgments for the respective amounts of such damages, if any, as may be found to have been sustained or suffered by the said owner of said farms, with the same right of appeal as in other cases, and notwithstanding any lapse of time or statute of limitation: *Provided,* That such action will be brought within one year from the date that this Act shall become effective.

Approved, March 29, 1939.

[CHAPTER 33]

AN ACT

For the relief of C. R. Henderson.

March 29, 1939  
[H. R. 3086]  
[Private, No. 9]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. R. Henderson, of Yazoo City, Mississippi, the sum of \$416.93, in full satisfaction of his claim against the United States for salary earned from December 12 through December 18, 1935; for subsistence expenses and per diem in lieu of subsistence incurred during December 1935, and January, February, March, 1936, but not paid because of an erroneous designation of his official station; and for miscellaneous mileage, telephone, and per diem expenses incurred during April, May, June, 1936, and administratively approved, all while an employee of the Farm Security and Resettlement Administrations, Department of Agriculture: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

C. R. Henderson.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, March 29, 1939.

[CHAPTER 46]

AN ACT

To authorize and direct the Commissioners of the District of Columbia to reappoint David R. Thompson and Ralph S. Warner as members of the Metropolitan Police Department of the District of Columbia.

April 8, 1939  
[S. 316]  
[Private, No. 10]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to reappoint David R. Thompson and Ralph S. Warner as members of the Metropolitan Police Department of the District of Columbia; compensation to commence from the date of such reappointment only, and no pay or compensation to be paid them from the date of their dismissal from the Metropolitan Police Department to the date of such reappointment.

David R. Thompson and Ralph S. Warner.  
Reappointment as members of Metropolitan Police Department, D. C.

Approved, April 8, 1939.

[CHAPTER 50]

AN ACT

For the relief of Fred H. Beauregard.

April 10, 1939  
[S. 128]  
[Private, No. 11]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred H. Beauregard, of Saint Albans, Vermont, the sum of \$1,000, in full settlement of his claim against the United States on account of the death of his minor son, Robert Bernard Beauregard, who died as a result of injuries received as a result of an accident involving a Government truck operated in connection with the Civilian Conservation Corps in Saint Albans, Vermont, on August 20, 1937:

Fred H. Beauregard.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

*Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 10, 1939.

[CHAPTER 51]

AN ACT

For the relief of John R. Holt.

April 10, 1939  
[S. 884]

[Private, No. 12]

Maj. John R. Holt.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John R. Holt, major, Quartermaster Corps, United States Army, the sum of \$1,507.26, or so much thereof as shall have been collected from him prior to the passage of this Act, in full and final settlement of all claims whatsoever against the United States for a stoppage in his pay on account of the embezzlement of public funds by a civilian employee of the office of the quartermaster, Fort Jay, New York, from July 1, 1925, to February 28, 1931, while Major Holt was on duty as property and salvage officer at Fort Jay, New York: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 10, 1939.

[CHAPTER 52]

AN ACT

For the relief of Lieutenant Malcolm A. Hufty, United States Navy.

April 11, 1939  
[S. 1118]

[Private, No. 13]

Lt. Malcolm A.  
Hufty.  
Adjustment of  
claim.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Lieutenant Malcolm A. Hufty, United States Navy, for refund of \$285.52, in full satisfaction against the United States for the cost of commercial transportation furnished this officer on a foreign registered vessel, in accordance with orders issued by the commander in chief, United States Asiatic Fleet, and subsequently deducted by the General Accounting Office in settlement of the amount awarded this officer pursuant to judgment on another claim.

Approved, April 11, 1939.

## [CHAPTER 53]

## AN ACT

To provide an additional sum for the payment of a claim under the Act entitled "An Act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931", approved January 21, 1936 (49 Stat. 2212).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum not to exceed \$605.50, as may be required by the Secretary of the Navy to reimburse Technical Sergeant Richard S. Reed, United States Marine Corps Reserve, after claimant shall have filed itemized statements showing actual damages sustained by proper appraisal, and under such regulations as he may prescribe pursuant to the provisions of the Act approved January 21, 1936 (49 Stat. 2212), Private Law Numbered 373, Seventy-fourth Congress, for losses of and damages to reasonable and necessary personal property resulting from the earthquake which occurred at Managua, Nicaragua, on March 31, 1931: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 11, 1939.

April 11, 1939

[S. 1119]

[Private, No. 14]

Tech. Sgt. Richard  
S. Reed.  
Payment to.

Itemized statements  
to be filed.

49 Stat. 2212.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

## [CHAPTER 54]

## AN ACT

For the relief of Alex St. Louis and Doctor J. P. Lake,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alex St. Louis, of Windham, Vermont, the sum of \$25, in full settlement of all claims against the Government for time lost by reason of injuries to his horse which was struck by a Forest Service truck on December 9, 1934, at Camp Peru, Vermont, and to Doctor J. P. Lake, of Manchester Depot, Vermont, the sum of \$10, in full settlement of his claim against the United States for professional services rendered as a result of said injuries: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 11, 1939.

April 11, 1939

[S. 1174]

[Private, No. 18]

Alex St. Louis.  
Payment to.

Dr. J. P. Lake.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.



## [CHAPTER 55]

## AN ACT

For the relief of Dierks Lumber and Coal Company.

April 12, 1939

[S. 60]

[Private, No. 16]

Dierks Lumber and  
Coal Company.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dierks Lumber and Coal Company, of Kansas City, Missouri, the sum of \$12,062.27, in full satisfaction of all its claims against the United States arising out of a contract for the sale of timber in the Ouachita National Forest by the United States to a predecessor corporation of such Dierks Lumber and Coal Company, such contract having been entered into between the Forest Service of the Department of Agriculture and such predecessor corporation on December 6, 1929: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 12, 1939.

## [CHAPTER 56]

## AN ACT

For the relief of The Ocilla Star.

April 12, 1939

[S. 303]

[Private, No. 17]

The Ocilla Star,  
Ocilla, Ga.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to The Ocilla Star, of Ocilla, Georgia, the sum of \$96 in full satisfaction of its claim against the United States for the publication of six foreclosure advertisements in four consecutive issues at the request of a county rural rehabilitation supervisor, Resettlement Administration, in December 1936: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 12, 1939.

## [CHAPTER 57]

## AN ACT

For the relief of The Fitzgerald Leader.

April 12, 1939

[S. 463]

[Private, No. 18]

The Fitzgerald  
Leader, Fitzgerald,  
Ga.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to The Fitzgerald Leader, of Fitzgerald, Georgia, the sum of \$32 in full satisfaction of its claim against the United States for the publishing of two foreclosure advertisements in four consecutive issues at the request of a county rural rehabilitation supervisor, Resettlement Adminis-

tration, in December 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 12, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

# [CHAPTER 63]

## AN ACT

For the relief of the Fred Harvey Transportation Department.

April 13, 1939

[S. 10]

[Private, No. 19]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Fred Harvey Transportation Department the sum of \$125 in full satisfaction of the claim of the Fred Harvey Transportation Department against the United States, arising out of the destruction of a certain mule called Pima, leased to the National Park Service, under contract numbered 1-5P-574, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Fred Harvey Transportation Department.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 13, 1939.

# [CHAPTER 64]

## AN ACT

For the relief of Hubert H. Clark and Doctor W. C. Copeland.

April 13, 1939

[S. 11]

[Private, No. 20]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hubert H. Clark the sum of \$169.96, and to Doctor W. C. Copeland the sum of \$353.62, in full settlement of their claims against the United States arising out of the destruction of certain personal property as the result of a fire at the Petrified Forest National Monument on January 22, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Hubert H. Clark  
and Dr. W. C. Copeland.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 13, 1939.

## [CHAPTER 65]

## AN ACT

For the relief of Dolores P. de Williamson.

April 13, 1939  
[S. 511]

[Private, No. 21]

Dolores P. de  
Williamson.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dolores P. de Williamson the sum of \$5,000, in satisfaction of all claims against the United States on account of the death of her husband, Ernesto Williamson, a citizen of Panama, as a result of a collision on April 30, 1937, between a United States Army truck and an automobile in which he was riding, near Bejuco, Republic of Panama: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 13, 1939.

## [CHAPTER 66]

## AN ACT

For the relief of George H. Pierce and Evelyn Pierce.

April 13, 1939  
[S. 545]

[Private, No. 22]

George H. and  
Evelyn Pierce.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George H. Pierce and his wife, Evelyn Pierce, of Harwichport, Massachusetts, the sum of \$7,713.88, in full satisfaction of their claim for damages against the Government of the United States on account of personal injuries of a permanent nature suffered by them on December 6, 1937, when the automobile in which they were riding was struck by an automobile belonging to the War Department and operated by an officer of said Department on Route Numbered 3 in the town of Kingston, Massachusetts: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 13, 1939.

## [CHAPTER 67]

## AN ACT

For the relief of the Pacific Telephone and Telegraph Company.

April 13, 1939  
[S. 745]

[Private, No. 23]

Pacific Telephone  
and Telegraph Company.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pacific Telephone and Telegraph Company, of San Francisco, California, the sum of \$51,325.85, in full satisfaction of its claim against the United States

for reimbursement of expenses incurred in repairing and restoring a submarine cable in the San Francisco Bay between San Francisco and Fort Baker, California, which was cut by the United States ship Quail on November 27, 1937, while engaged in recovering an anchor of the United States ship Whippoorwill: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 13, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

[CHAPTER 68]

AN ACT

For the relief of J. G. Mayfield.

April 13, 1939

[S. 754]

[Private, No. 24]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, if filed within six months after the enactment of this Act, the claim of James George Mayfield, of Springfield, Illinois, for disability alleged to have been caused by injuries sustained by him on August 3, 1937, while in the performance of his duties in the employment of the Bureau of Internal Revenue, Treasury Department: *Provided*, That no benefits shall accrue prior to the approval of this Act.

J. G. Mayfield.  
Provisions of Employees' Compensation Act extended to.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
No prior benefits.

Approved, April 13, 1939.

[CHAPTER 69]

AN ACT

For the relief of John B. Dow.

April 13, 1939

[S. 1253]

[Private, No. 25]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John B. Dow, of Cookeville, Tennessee, the sum of \$354.65, in full satisfaction of his claims for fees for services rendered by him as United States commissioner during the period from November 1, 1937, to March 22, 1938, such fees having been disallowed by reason of the fact that his appointment as such commissioner expired on November 1, 1937, and he was not reappointed until March 23, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

John B. Dow.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, April 13, 1939.

## [CHAPTER 72]

## AN ACT

April 15, 1939

[S. 529]

[Private, No. 26]

For the relief of Margaret Rose Uncapher, Milton E. Uncapher, Junior, and Andrew G. Uncapher.

Margaret Rose,  
Milton E. Jr., and  
Andrew G. Uncapher.  
Payment to.  
49 Stat. 599.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of appropriation for "Emergency construction of public buildings, Act of August 12, 1935", to Margaret Rose Uncapher, Milton E. Uncapher, Junior, and Andrew G. Uncapher, of Vandergrift, Pennsylvania, the sum of \$901.60, as payment in full satisfaction of the amount of balance of just compensation claimed to be due them on account of the taking of their lands by the United States through condemnation proceedings for a post-office site at Vandergrift, Pennsylvania: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 15, 1939.

## [CHAPTER 78]

## AN ACT

April 20, 1939

[S. 911]

[Private, No. 27]

For the relief of Roscoe C. Prescott, Howard Joslyn, Arthur E. Tuttle, and Robert J. Toulouse.

Roscoe C. Prescott  
and others.  
Payments to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roscoe C. Prescott the sum of \$300.59; to Howard Joslyn, the sum of \$155.50; to Arthur E. Tuttle, the sum of \$109.10, and to Robert J. Toulouse, the sum of \$466.29, in full settlement of all claims against the United States Government for loss of their personal effects in a fire at the Civilian Conservation Corps camp at Warren, New Hampshire, on December 31, 1933: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 20, 1939.

## [CHAPTER 79]

## AN ACT

April 20, 1939

[H. R. 534]

[Private, No. 28]

For the relief of Hallie H. Woods.

Hallie H. Woods.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hallie H. Woods, widow of Damon C. Woods, late American consul

at Toronto, Canada, the sum of \$5,700, such sum representing one year's salary of her deceased husband who died while in the Foreign Service.

Approved, April 20, 1939.

## [CHAPTER 80]

## AN ACT

For the relief of Macey N. Bevan.

April 20, 1939  
[H. R. 590]

[Private, No. 29]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Macey N. Bevan, widow of Thomas Horatio Bevan, late American Consul General at Warsaw, Poland, the sum of \$8,400, equal to one year's salary of her deceased husband, who died at Berlin, Germany, July 23, 1938, while in the Foreign Service.

Approved, April 20, 1939.

Macey N. Bevan.  
Payment to.

## [CHAPTER 81]

## AN ACT

For the relief of the Shipowners and Merchants Towboat Company, Limited.

April 20, 1939  
[H. R. 2056]

[Private, No. 30]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Shipowners and Merchants Towboat Company, Limited, of San Francisco, California, the sum of \$2,515.07 in full settlement of all claims against the United States for damages sustained to several of their tugboats while hauling the United States ship Tennessee afloat off Alameda, California, on June 11 and 12, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 20, 1939.

Shipowners and  
Merchants Towboat  
Company, Ltd.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

## [CHAPTER 82]

## AN ACT

For the relief of Allen L. Abshier, Verne G. Adams, Oliver D. Chattin, William K. Heath, and Harry B. Jennings.

April 20, 1939  
[H. R. 2064]

[Private, No. 31]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Allen L. Abshier the sum of \$139.50, to Verne G. Adams the sum of \$402.24, to Oliver D. Chattin the sum of \$102.75, to William K. Heath the sum of \$26.73, and to Harry B. Jennings the sum of \$290, in all \$961.22, in full satisfaction of all their claims against the United States for damage to or loss of personal property resulting from a fire which occurred on May 8, 1938, in the officers' quarters

Allen L. Abshier  
and others.  
Payments to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

of the administration building at Federal Prison Camp Numbered 11, Kooskia, Idaho, while such persons were employees of the Bureau of Prisons, Department of Justice: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 20, 1939.

[CHAPTER 83]

AN ACT

April 20, 1939

[H. R. 2595]

[Private, No. 32]

Conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Company.

Mack Copper Com-  
pany.  
Jurisdiction con-  
ferred upon Court of  
Claims to hear, etc.,  
claim of.

*Proviso.*  
Limitation on the  
measure of damages  
sustained.

Reconsideration de  
novo of claim hereto-  
fore adjudicated.

Evidence.

Application for writ  
of certiorari to Su-  
preme Court.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States, notwithstanding the lapse of time, prior determination, the invalidity of the lease, or any statute of limitation, to hear and determine the claim of the Mack Copper Company against the United States for the damages and waste inflicted to certain real property owned by the Mack Copper Company and situated in San Diego County, State of California, which real property was taken, used, and occupied by the United States as an Army cantonment, training camp, or for other military purposes during the period from on or about May 15, 1917, to on or about June 1, 1922, not heretofore paid by the United States to the Mack Copper Company: *Provided*, That the measure of the damages sustained shall not exceed the difference between the value of the land when taken, as already found by the court, and the value of the land when returned to the Mack Copper Company: *Provided further*, That in the event that any suit is brought on said claim pursuant to the provisions of this Act, the court shall reopen and reconsider de novo the claim heretofore adjudicated for use and occupation of said property, if the United States so requests.

SEC. 2. That the Court of Claims of the United States in the hearing and determination of any suit prosecuted under the authority of this Act, is authorized, in its discretion, to use and consider as evidence in such suit, together with any other evidence which may be taken therein, the testimony and other evidence filed by Mack Copper Company and the United States, respectively, in case numbered D-134 on the docket of that court entitled "Mack Copper Company against United States", wherein the court rendered a judgment on the 6th day of June 1927.

SEC. 3. From any decision or judgment rendered in any suit presented under the authority of this Act a writ of certiorari to the Supreme Court of the United States may be applied for by either party thereto, as is provided by law in other cases.

Approved, April 20, 1939.

## [CHAPTER 105]

## AN ACT

To allow credit in the accounts of certain former disbursing officers of the Veterans' Administration, and for other purposes.

April 26, 1939

[H. R. 2073]

[Private, No. 33]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is hereby authorized and directed in the settlement of the accounts of the following-named former disbursing officers of the Veterans' Administration, the Veterans' Bureau (now Veterans' Administration), and the present Chief Disbursing Officer, Treasury Department, to allow credit in the sums herein stated now standing as disallowances in the said accounts on the books of the General Accounting Office: *Provided*, That any amount herein allowed in the account of a disbursing officer shall not be chargeable to any administrative officer or employee of the Veterans' Administration: *Provided further*, That this Act shall not bar recovery of the amounts herein specified from the persons to whom such amounts have been paid.

First: J. B. Schommer, former Disbursing Officer, Veterans' Administration, Washington, District of Columbia, in the sums of \$25 and \$95.25, which amounts were expended during the period from May 1933 to June 30, 1934 (symbols 11500 and 11532).

Second: C. A. Wood, former Disbursing Officer, Veterans' Administration Facility, Atlanta, Georgia, in the sum of \$509.75, which amount was expended during the period from August 1932 to June 30, 1933 (symbol 11473).

Third: Warren A. Minnis, former Disbursing Officer, Veterans' Administration Facility, Bay Pines, Florida, in the sum of \$97.66, which amount was expended during the period from May 1933 to May 1934 (symbol 11376).

Fourth: H. R. Barraclough, former Disbursing Officer, Veterans' Administration, Boston, Massachusetts, in the sum of \$47.63, which amount was expended during the period from May 1 to July 31, 1933 (symbol 11472).

Fifth: J. W. Reynar, former Disbursing Officer, Veterans' Administration, Charlotte, North Carolina, in the sum of \$13.80, which amount was expended during the period from May 1 to August 31, 1933 (symbol 11374).

Sixth: James H. Jones, former Disbursing Officer at Veterans' Administration Facility, Cheyenne, Wyoming, in the sum of \$1, which amount was expended during the period from August 1 to 31, 1934 (symbol 11402).

Seventh: Marsden V. Bates, former Disbursing Officer at Veterans' Administration, Detroit, Michigan, in the sum of \$6.94, which amount was expended during the period from February 1 to 28, 1934 (symbol 11380).

Eighth: E. J. Cooper, former Disbursing Officer at Veterans' Administration Facility, Fort Harrison, Montana, in the sum of \$8, which amount was expended during the period from October 1 to 31, 1933 (symbol 11372).

Ninth: T. A. Dillon, former Disbursing Officer at Veterans' Administration Facility, Indianapolis, Indiana, in the sum of \$50.33, which amount was expended during the period from October 1, 1933, to May 31, 1934 (symbol 11512).

Tenth: James J. Gallagher, former Disbursing Officer at Veterans' Administration Facility, Lyons, New Jersey, in the sum of \$72.71, which amount was expended during the period from April 1 to April 30, 1934 (symbol 11394).

Veterans' Administration.

Credit allowed in accounts of former disbursing officers.

Chief Disbursing Officer, Treasury Department.

Provisions.  
Accountability.

Recovery not barred.

J. B. Schommer.

C. A. Wood.

Warren A. Minnis.

H. R. Barraclough.

J. W. Reynar.

James H. Jones.

Marsden V. Bates.

E. J. Cooper.

T. A. Dillon.

James J. Gallagher.



Don Iler.

Eleventh: Don Iler, former Disbursing Officer at Veterans' Administration, New York, New York, in the sum of \$18, which amount was expended during the period from May 1 to 31, 1933 (symbol 11333).

D. B. Kennedy.

Twelfth: D. B. Kennedy, former Disbursing Officer at Veterans' Administration Facility, Palo Alto, California, in the sum of \$15, which amount was expended during the period from January 1 to March 31, 1934 (symbol 11307).

P. J. Carney.

Thirteenth: P. J. Carney, former Disbursing Officer at Veterans' Administration, Philadelphia, Pennsylvania, in the sum of \$2.95, which amount was expended during the period from July 1, 1933, to July 31, 1934 (symbol 11253).

J. William Yates, Jr.

Fourteenth: J. William Yates, Junior, former Disbursing Officer at Veterans' Administration Facility, Tuscaloosa, Alabama, in the sum of \$113, which amount was expended on May 9, 1929 (symbol 99104).

A. G. Ferguson.

Fifteenth: A. G. Ferguson, former Disbursing Officer at Veterans' Administration Facility, Wadsworth, Kansas, in the sum of \$134.90, which amount was expended during the period of July 1 to 31, 1933 (symbol 11536).

G. F. Allen, Chief  
Disbursing Officer,  
Treasury Depart-  
ment.

Sixteenth: G. F. Allen, Chief Disbursing Officer, Treasury Department, in the sums of \$30, \$37.50, \$539, \$383.03, \$286.39, and \$384.71, which amounts were expended during the period from July 1, 1934, to March 31, 1937 (symbols 11578, 11568, 11561, 99287, 99291, and 99288), and for which certain employees in the Veterans' Administration are held financially liable.

Approved, April 26, 1939.

## [CHAPTER 108]

## AN ACT

For the relief of Junius Alexander.

May 2, 1939  
[H. R. 2074]

[Private, No. 34]

Junius Alexander.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Junius Alexander, of Chidester, Arkansas, the sum of \$2,500 in full settlement of all claims against the United States on account of the death of his daughter, Lillie Mae Alexander, as the result of being struck by a Civilian Conservation Corps truck under supervision of the Forest Service, on November 26, 1935, near Chidester, Arkansas: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 2, 1939.

## [CHAPTER 111]

## AN ACT

For the relief of Ernest O. Robinette and others.

May 3, 1939  
[H. R. 2061]

[Private, No. 35]

Ernest O. Robinette  
and others.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

Ernest O. Robinette the sum of \$1,737.26, in full satisfaction of his claim against the United States for loss and damage to his personal effects, equipment, and provisions, on October 28, 1937, when fire destroyed the teacherage at Kwethluk, Alaska, where he was employed as a teacher by the Office of Indian Affairs, Interior Department.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stanley Morgan the sum of \$301.10, to Mary Ellen Speanburg the sum of \$851.73, to Doctor Raymond W. Maurer the sum of \$627.25, to Mildred H. Keaton the sum of \$267.50, to June de Ford the sum of \$175, to Terza Ungarook the sum of \$116, and to Ella Massoo the sum of \$89.75 in full settlement of all their claims against the United States for loss and damage to their personal property, on February 18, 1937, when fire destroyed the United States Indian Service hospital at Point Barrow, Alaska, where Stanley Morgan was employed as a radio operator of the Signal Corps, United States Army, and the remainder of said persons were employed by the Office of Indian Affairs, Interior Department: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 3, 1939.

[CHAPTER 112]

AN ACT

For the relief of Katherine Patterson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Patterson, of Soperton, Georgia, the sum of \$1,000 in full settlement of all claims against the Government of the United States for personal injuries suffered by her on July 3, 1935, at Civilian Conservation Corps Camp P-61 at Soperton, Georgia, when struck by a baseball thrown by an enrollee of said camp while she was making an authorized business visit to the camp: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 3, 1939.

[CHAPTER 118]

AN ACT

To provide for the promotion on the retired list of the Navy of Fred G. Leith.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint Fred G. Leith (chief pharmacist's

Stanley Morgan.

Mary Ellen Speanburg.  
Dr. Raymond W. Maurer.  
Mildred H. Keaton.  
June de Ford.  
Terza Ungarook.  
Ella Massoo.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

May 3, 1939

[H. R. 2098]

[Private, No. 38]

Katherine Patterson.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

May 8, 1939

[S. 513]

[Private, No. 37]

Fred G. Leith.  
Promotion to lieutenant, junior grade, Navy, authorized.

Placement on retired list; rank.

*Proviso.*  
No increase in retired pay, etc.

mate, United States Navy, retired) as a lieutenant, junior grade, United States Navy. The President is authorized, immediately upon such appointment to place the said Fred G. Leith on the retired list with the rank of a lieutenant, junior grade, United States Navy: *Provided*, That he shall not receive any increase in retired pay, allowances, or other benefits as the result of the passage of this Act.

Approved, May 8, 1939.

#### [CHAPTER 120]

#### AN ACT

For the relief of Bozzani Motors, Limited.

May 10, 1939  
[H. R. 1694]

[Private, No. 38]

Bozzani Motors,  
Ltd.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bozzani Motors, Limited, Los Angeles, California, the sum of \$786.25. Such sum shall be in full settlement of all claims against the United States for losses sustained by the said Bozzani Motors, Limited, as the result of damage to forty-one automobiles, owned by such company, caused by a smoke screen released by United States Army aircraft over Los Angeles, California, on December 9, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 10, 1939.

#### [CHAPTER 124]

#### AN ACT

For the relief of L. M. Bell and M. M. Bell.

May 11, 1939  
[S. 1038]

[Private, No. 39]

L. M. Bell and  
M. M. Bell.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to L. M. Bell and M. M. Bell, of Portland, Oregon, the sum of \$943.33, in full satisfaction of their claims against the United States for payment of rental of three trucks, under contract numbered ER-Tps-94-1789, dated July 16, 1936, from November 17, 1936, to the time each such truck was returned in as good condition as when received, ordinary wear and tear excepted: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 11, 1939.

## [CHAPTER 125]

## AN ACT

For the relief of W. F. Towson.

May 11, 1939  
[H. R. 2629]

[Private, No. 40]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. F. Towson, of Montrose, Georgia, the sum of \$500, in full settlement of his claim against the United States for personal injuries suffered by him on July 29, 1937, when he was run down and injured by an Army motorcycle, on United States Highway Numbered 80, Montrose, Georgia, from Fort Benning, Georgia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

W. F. Towson.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, May 11, 1939.

## [CHAPTER 132]

## AN ACT

For the relief of the Louisiana National Bank of Baton Rouge and the Hibernia Bank and Trust Company of New Orleans.

May 12, 1939  
[S. 1515]

[Private, No. 41]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Louisiana National Bank, of Baton Rouge, Louisiana, the sum of \$400, in full satisfaction of its claim against the United States for refund of the amount of a judgment paid to the United States based upon four fraudulent United States postal money orders issued on December 23, 1932, by Harry G. Peek, a former postmaster at Sondheimer, Louisiana: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Louisiana National  
Bank, of Baton Rouge,  
La.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

SEC. 2. The judgment against the Hibernia Bank and Trust Company, of New Orleans, Louisiana, in the amount of \$1,100, based upon certain fraudulent United States postal money orders issued by the said Harry G. Peek, is hereby canceled.

Hibernia Bank and  
Trust Co., New Or-  
leans, La.  
Cancellation of judgment.

SEC. 3. Nothing in this Act shall be construed to prevent the recovery by the United States of funds embezzled by the said Harry G. Peek, or on money orders unlawfully issued by him, except those which are the subject of this Act.

Recovery of em-  
bezzled funds.

Approved, May 12, 1939.

## [CHAPTER 138]

## AN ACT

For the relief of Lofts and Son.

May 16, 1939

[S. 270]

[Private, No. 42]

Lofts and Son.  
Payment to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lofts and Son, of Hood River, Oregon, the sum of \$33,500 in full satisfaction of all its claims against the United States for damages resulting from the loss of its sand and gravel plant at the mouth of the Hood River and its inability to further carry on the operations of removing sand and gravel on land now leased from the Oregon Lumber Company, because such land will be flooded by the backwaters of the Bonneville Dam: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 16, 1939.

## [CHAPTER 163]

## AN ACT

For the relief of John J. Trimble.

May 31, 1939

[H. R. 1301]

[Private, No. 43]

John J. Trimble.  
Payment to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Trimble, West Haverstraw, New York, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims of the said John J. Trimble against the United States for damages sustained by him as a result of being struck, on June 9, 1937, at the Weehawken, New Jersey, terminal of the New York Central Railroad, by a vehicle in the service of the United States Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 31, 1939.

## [CHAPTER 164]

## AN ACT

For the relief of the Atlas Powder Company.

May 31, 1939

[H. R. 2067]

[Private, No. 44]

Atlas Powder Co.  
Adjustment of claim  
authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is hereby authorized and directed to settle and adjust the claim of the Atlas Powder Company for reasonable compensation incident to its abandonment, under protest, at the request of the United States, of a certain parcel of land on

Winter Island in Salem, Massachusetts, more particularly described in the deed of E. I. du Pont de Nemours Powder Company to Atlas Powder Company, dated December 28, 1912, recorded with Essex Deeds, Southern District, Book 2201, page 209, and to allow in full and final settlement of said claim a sum not exceeding \$1,762.75 in consideration for the execution by said Atlas Powder Company of a quitclaim deed conveying to the United States all of its right, title, and interest in said parcel of land. There is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of \$1,762.75, or so much thereof as may be necessary for payment of this claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 31, 1939.

Appropriation.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

# [CHAPTER 165]

## AN ACT

For the relief of Charles H. Parr.

May 31, 1939  
[H. R. 3965]

[Private, No. 46]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Charles H. Parr for disability alleged to have been incurred by him on or about September 14, 1933, when engaged in authorized activities while an enrollee of the Civilian Conservation Corps at North Vernon, Indiana, and to determine said claim upon its merits under the provisions of said Act: *Provided*, That said claim shall be filed with the United States Employees' Compensation Commission not later than sixty days after the approval of this Act: *And provided further*, That no benefits shall accrue prior to the approval of this Act.

Charles H. Parr.  
Provisions of Employees' Compensation Act extended to.

39 Stat. 746.  
5 U. S. C. §§ 765-770.

*Proviso.*  
Time for filing claim.

No prior benefits.

Approved, May 31, 1939.

# [CHAPTER 166]

## AN ACT

For the relief of Melvin Gerard Alvey.

May 31, 1939  
[H. R. 4131]

[Private, No. 46]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Melvin Gerard Alvey, boatswain's mate, first-class, lifesaving, United States Coast Guard, the sum of \$120.54, in full satisfaction of his claim against the United States for damage to and loss of his personal effects on September 17, 1934, when the Coast Guard station at Nome, Alaska, was destroyed by fire: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services

Melvin Gerard Alvey.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for viola-  
tion.

rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, May 31, 1939.

[CHAPTER 177]

AN ACT

For the relief of Homer C. Stroud.

June 3, 1939  
[H. R. 2097]

[Private, No. 47]

Homer C. Stroud.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Homer C. Stroud, first sergeant, United States Marine Corps Reserve, in full settlement of all claims against the Government of the United States, the sum of \$324 for reimbursement for damages to and loss of personal effects while in shipment, from April 13, 1936, to May 22, 1936, under Government care, from the Marine Corps Base, San Diego, California, to the Marine Corps Barracks, Quantico, Virginia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 3, 1939.

[CHAPTER 178]

AN ACT

For the relief of Bernard Woodruff.

June 3, 1939  
[H. R. 2926]

[Private, No. 48]

Bernard Woodruff.  
Provisions of Em-  
ployees' Compensa-  
tion Act extended to.

39 Stat. 746.  
5 U. S. C. §§ 765-770.

*Provisos.*  
Time for filing  
claim.  
No prior benefits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the limitations of time in sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended by sundry Acts, including the Act of February 15, 1934, are hereby waived in favor of Bernard Woodruff, and the United States Employees' Compensation Commission is authorized to receive and consider his claim under the remaining provisions of said Act as extended to enrollees in the Civilian Conservation Corps, for disability resulting from an injury to his foot alleged to have been sustained while in the performance of duty as an enrollee in the said Corps during the month of October 1935: *Provided*, That claim hereunder shall be filed within six months from the approval of this Act: *And provided further*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 3, 1939.

## [CHAPTER 179]

## AN ACT

For the relief of Harry L. Smigell.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Harry L. Smigell, of Denver, Colorado, for disability alleged to have been incurred by him while employed at Frankford Arsenal, Philadelphia, Pennsylvania, between June 5, 1918, and November 20, 1918, in the same manner and to the same extent as if the said Harry L. Smigell had made application for benefits under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the period required by sections 17 and 20 thereof. No benefit shall accrue by reason of the enactment of this Act prior to the date of such enactment: *Provided*, That claim hereunder shall be made within ninety days from the enactment of this Act.

Approved, June 3, 1939.

June 3, 1939  
[H. R. 8897]  
[Private, No. 49]

Harry L. Smigell.  
Disability claim to  
be considered.

39 Stat. 742.  
5 U. S. C. §§ 761-790.  
No prior benefit.  
*Proviso.*  
Time for filing  
claim.

## [CHAPTER 182]

## AN ACT

For the relief of R. H. Gray.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1934 edition, title 5, secs. 767 and 770), are hereby waived in favor of R. H. Gray, San Antonio, Texas, who is alleged to have sustained an injury on May 5, 1933, while employed as a quarantine officer in the United States Public Health Service, which resulted in permanent physical disability, and his case is authorized to be considered and acted upon under the remaining provisions of such Act, as amended, if he files a claim for compensation with the United States Employees' Compensation Commission not later than sixty days after the date of enactment of this Act: *Provided*, That no benefits shall accrue prior the approval of this Act.

Approved, June 5, 1939.

June 5, 1939  
[H. R. 2345]  
[Private, No. 50]

R. H. Gray.  
Provisions of Em-  
ployees' Compensation  
Act extended to.

39 Stat. 746, 747.  
5 U. S. C. §§ 767, 770.

Time for filing  
claim.

*Proviso.*  
No prior benefits.

## [CHAPTER 183]

## AN ACT

For the relief of John T. Clarkson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John T. Clarkson, out of any money in the Treasury not otherwise appropriated, the sum of \$478, in full settlement of all claims against the United States for losses incurred by him as a result of a collision with a Chevrolet truck, numbered 3630, being negligently driven by a member of the Civilian Conservation Corps stationed at Camp Numbered 769, near Albia, in Monroe County, Iowa, on July

June 5, 1939  
[H. R. 8601]  
[Private, No. 51]

John T. Clarkson.  
Payment to.



*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

21, 1933: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 5, 1939.

#### [CHAPTER 187]

#### AN ACT

For the relief of R. Dove and Laura J. Dove.

June 6, 1939  
[H. R. 2044]

[Private, No. 52]

R. Dove and Laura  
J. Dove.  
Payments to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. Dove, of Bartlesville, Oklahoma, the sum of \$250; and to Laura J. Dove, of Bartlesville, Oklahoma, the sum of \$750; in all, \$1,000 in full settlement of their respective claims against the United States for injuries received when the vehicle in which they were riding struck a truck of the Works Progress Administration, on United States Highway Numbered 64, near Hartman, Arkansas, November 13, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1939.

#### [CHAPTER 188]

#### AN ACT

For the relief of Edgar Green.

June 6, 1939  
[H. R. 3074]

[Private, No. 53]

Edgar Green.  
Disability claim to  
be considered.

39 Stat. 746, 747.  
5 U. S. C. §§ 767, 770.

*Proviso.*  
Time for filing  
claim.

No prior benefits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States Employees' Compensation Commission be, and is hereby, authorized to consider and determine, notwithstanding the limitations of time in sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the claim of Edgar Green, of Chillicothe, Ohio, on account of disability due to a blow on his head alleged to have been suffered while on duty and during the course of his employment by the Works Progress Administration on September 8, 1936, on Works Progress Administration project numbered 7585, in Ross County, Ohio: *Provided*, That claim hereunder shall be filed within six months after the approval of this Act: *And provided further*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 6, 1939.

## [CHAPTER 189]

## AN ACT

For the relief of Grace Rouse.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Grace Rouse, of Little Rock, Arkansas, in full settlement and satisfaction of her claim against the United States for expenses and permanent personal injuries sustained as the result of being struck by a National Youth Administration car, on February 28, 1938, at Markham and Main Streets, in Little Rock, Arkansas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1939.

June 6, 1939

[H. R. 3300]

[Private, No. 54]

Grace Rouse.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 194]

## AN ACT

For the relief of Stanley Mercuri.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,250 to Stanley Mercuri, of Brooklyn, New York, in full settlement of all claims against the United States for personal injuries sustained by him as a result of a collision between the truck which he was driving, and a United States mail truck, said collision occurring on July 16, 1937, on the Manhattan Bridge, between New York City and Brooklyn, New York: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 7, 1939.

June 7, 1939

[H. R. 2250]

[Private, No. 55]

Stanley Mercuri.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 213]

## AN ACT

To provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Virginia, on October 27, 1938.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$914.88, as may be required by the Secretary of the Navy to reimburse, in full satisfaction of all claims against the United States, under such regulations as he may prescribe, certain personnel or former personnel

June 19, 1939

[H. R. 4084]

[Private, No. 56]

Navy and Marine Corps.  
Reimbursement of certain personnel, etc., for personal property losses.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

of the United States Navy and Marine Corps for the value of personal effects lost as a result of the fire that destroyed buildings numbered 239 and numbered 243 at the Marine Barracks, Quantico, Virginia, on October 27, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 19, 1939.

[CHAPTER 216]

AN ACT

For the relief of Jessie Denning Van Eimeren, A. C. Van Eimeren, and Clara Adolph.

June 20, 1939  
[H. R. 2058]  
[Private, No. 57]

Jessie Denning Van Eimeren and others.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jessie Denning Van Eimeren, of Cincinnati, Ohio, the sum of \$250; to A. C. Van Eimeren, of Cincinnati, Ohio, the sum of \$200; and to Clara Adolph, of Cincinnati, Ohio, the sum of \$1,000. These payments shall constitute settlement in full of all their claims against the United States for personal injuries sustained by them on October 7, 1936, when the automobile in which they were riding was struck by a Civilian Conservation Corps truck, said collision occurring on Colerain Avenue, Cincinnati, Ohio: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 20, 1939.

[CHAPTER 217]

AN ACT

For the relief of the Wisconsin Milling Company and Wisconsin Telephone Company.

June 20, 1939  
[H. R. 2478]  
[Private, No. 58]

Wisconsin Milling Company.  
Payment to.

Wisconsin Telephone Company.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sums of \$813.36 to the Wisconsin Milling Company and \$9.09 to the Wisconsin Telephone Company for damage to property caused by a Civilian Conservation Corps truck on April 16, 1937, at Menomonie, Wisconsin: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 20, 1939.

## [CHAPTER 218]

## AN ACT

For the relief of Kenneth B. Clark.

June 20, 1939  
[H. R. 2695]

[Private, No. 59]

Kenneth B. Clark.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kenneth B. Clark, captain, Field Artillery Reserve, United States Army, the sum of \$650, for the loss of uniforms, clothing, and other personal property belonging to the said Kenneth B. Clark, as a result of a fire in the quarters of the Three Hundred and Thirty-seventh Company, Civilian Conservation Corps Camp S-139, Canadensis, Pennsylvania, on the 1st day of October 1934: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 20, 1939.

## [CHAPTER 219]

## AN ACT

For the relief of Adam Casper.

June 20, 1939  
[H. R. 3077]

[Private, No. 60]

Adam Casper.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Adam Casper, of Dundalk, Maryland, the sum of \$2,000, in full settlement of all claims against the Government for injuries suffered as a result of a car he was driving having been struck by an Army car in Baltimore, Maryland, on October 19, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, June 20, 1939.

## [CHAPTER 221]

## AN ACT

For the relief of Frances Virginia McCloud.

June 20, 1939  
[H. R. 5933]

[Private, No. 61]

Frances Virginia  
McCloud.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frances Virginia McCloud, widow of Robert C. McCloud, late American vice consul at Naples, Italy, the sum of \$3,000, such sum representing one year's salary of her deceased husband who died while in the Foreign Service.

Approved, June 20, 1939.

## [CHAPTER 222]

## AN ACT

For the relief of W. Elisabeth Beitz.

June 20, 1939

[H. R. 5934]

[Private, No. 62]

W. Elisabeth Beitz.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. Elisabeth Beitz, widow of William E. Beitz, late American consul at Rio de Janeiro, Brazil, the sum of \$4,400, such sum representing one year's salary of her deceased husband who died while in the Foreign Service.

Approved, June 20, 1939.

## [CHAPTER 223]

## AN ACT

For the relief of Charlotte J. Gilbert.

June 20, 1939

[H. R. 5935]

[Private, No. 63]

Charlotte J. Gilbert.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charlotte J. Gilbert, widow of Prentiss B. Gilbert, late American Counselor of Embassy at Berlin, Germany, the sum of \$8,600, such sum representing one year's salary of her deceased husband who died while in the Foreign Service.

Approved, June 20, 1939.

## [CHAPTER 232]

## AN ACT

For the relief of Russell Anderegg, a minor, and George W. Anderegg.

June 20, 1939

[H. R. 5931]

[Private, No. 64]

Russell Anderegg.  
Payment to guardian of.George W. Anderegg.  
Payment to.Proviso.  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Russell Anderegg, a minor, of Pittsburgh, Pennsylvania, the sum of \$5,000, in full satisfaction of all claims against the United States for injuries sustained by him on August 25, 1936, when employees of the Works Progress Administration, while engaged on WPA Project Numbered 65-23-7310, located at Grandview Park, Mount Washington, Pittsburgh, Pennsylvania, negligently rolled a large locust post down the side of a hill, the post striking said Russell Anderegg; and to George W. Anderegg, of Pittsburgh, Pennsylvania, father of said injured minor, the sum of \$2,071.34, in full satisfaction of all claims against the United States for all expenses incurred by him as a result of said injuries to his son: *Provided*, That no part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$1,000.

Approved, June 20, 1939.

## [CHAPTER 233]

## AN ACT

For the relief of A. W. Evans.

June 20, 1939  
[H. R. 2383]

[Private, No. 65]

A. W. Evans.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. W. Evans, of Mount Olive, Mississippi, the sum of \$5,000, in full and final settlement of any and all claims against the United States for injuries received when he was struck by a Forest Service truck, in Mount Olive, Mississippi, on August 18, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 20, 1939.

## [CHAPTER 240]

## AN ACT

For the relief of Roland P. Winstead.

June 22, 1939  
[H. R. 312]

[Private, No. 66]

Roland P. Winstead.  
Provisions of Employees' Compensation Act extended to.  
89 Stat. 746, 747.  
5 U. S. C. §§ 765-770.*Proviso.*  
No prior benefits.

Time for filing claim.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Roland P. Winstead for disability alleged to have been incurred by him during the month of February 1922 while in the employment of the Post Office Department as a driver of a mail truck operating between Fredericksburg and White Stone, Virginia, and to determine said claim upon its merits under the remaining provisions of said Act: *Provided*, That no benefits shall be held to have accrued prior to the approval of this Act: *Provided further*, That claim hereunder shall be filed within six months from the approval of this Act.

Approved, June 22, 1939.

## [CHAPTER 241]

## AN ACT

For the relief of George Houston.

June 22, 1939  
[H. R. 1363]

[Private, No. 67]

George Houston.  
Provisions of Employees' Compensation Act extended to.89 Stat. 746, 747.  
5 U. S. C. §§ 765, 770.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the limitations of time in sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of George Houston, who is alleged to have sustained an injury on February 4, 1931, while employed as a rural mail carrier from the post office at Wood Lake, Minnesota, which resulted in permanent physical

Time for filing  
claim.

*Provided.*  
No prior benefits.

disability, and his case is authorized to be considered and acted upon under the remaining provisions of such Act, as amended, if he files a claim for compensation with the United States Employees' Compensation Commission not later than six months after the date of enactment of this Act: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 22, 1939.

#### [CHAPTER 245]

#### AN ACT

June 27, 1939  
[S. 1117]

[Private, No. 68]

To provide for the reimbursement of certain enlisted men or former enlisted men of the United States Navy for the value of personal effects lost in the hurricane at the Submarine Base, New London, Connecticut, on September 21, 1938.

Navy.  
Reimbursement of  
certain personnel, etc.,  
for personal property  
losses.

*Provided.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$267.55 as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain enlisted men or former enlisted men of the United States Navy for the value of personal effects lost in the hurricane at the Submarine Base, New London, Connecticut, on September 21, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 27, 1939.

#### [CHAPTER 251]

#### AN ACT

For the relief of Joseph N. Thiele.

June 29, 1939  
[H. R. 4133]

[Private, No. 69]

Joseph N. Thiele.  
Credit in postal  
accounts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Joseph N. Thiele, postmaster at Whitewater, Wisconsin, with the sum of \$11,736.84, representing the amount of public funds and property lost in the burglary of the post office at Whitewater, Wisconsin, on February 1, 1937, such loss having resulted from no fault or negligence on the part of said postmaster, as determined by the Postmaster General under a provision in title 39, United States Code, section 49.

Approved, June 29, 1939.

#### [CHAPTER 262]

#### AN ACT

For the relief of Evelyn Gurley-Kane.

July 10, 1939  
[H. R. 5722]

[Private, No. 70]

Evelyn Gurley-Kane.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Evelyn Gurley-Kane the sum of \$116, in full and final satisfaction

of her claim against the United States for reimbursement of travel and miscellaneous expenses incurred under authority of the Veterans' Administration in the care of her son, Cecil Gurley-Kane, a veteran of the World War: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 10, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

# [CHAPTER 274]

## AN ACT

For the relief of A. C. Williams, administrator of the estate of his wife, Julia F. Williams.

July 14, 1939

[S. 216]

[Private, No. 71]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. C. Williams, of Sentinel, Oklahoma, administrator of the estate of his wife, Julia F. Williams, the sum of \$1,000 in full settlement of any and all claims against the Government on account of the death of his wife, Julia F. Williams, who died as a result of injuries received in an automobile collision with a truck owned by the Government and driven by Charles Cordell, agent and employee of the Government, in the service of the Works Progress Administration, near Socorro, New Mexico, on July 31, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Julia F. Williams.  
Payment to estate of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, July 14, 1939.

# [CHAPTER 275]

## AN ACT

For the relief of Andrew J. Crockett and Walter Crockett.

July 14, 1939

[S. 275]

[Private, No. 72]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,394.13 to Andrew J. Crockett and Walter Crockett, in full settlement of their claims for compensation for improvements constructed by them upon the land transferred to the Zuni Indian Reservation, New Mexico, by the act of June 20, 1935 (49 Stat. 393): *Provided*, That no payment shall be made until certification by the Secretary of the Interior that the claimants have executed a satisfactory release of any and all claims arising out of the said transfer of lands: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful.

Andrew J. Crockett  
and Walter Crockett.  
Payment to.

49 Stat. 393.

*Proviso.*  
Condition.

Limitation on attorney's, etc., fees.



Penalty for violation.

ful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 14, 1939.

[CHAPTER 276]

AN ACT

For the relief of Loyd J. Palmer.

July 14, 1939  
[S. 1462]

[Private, No. 73]

Loyd J. Palmer.  
Claim for compensation as U. S. Commissioner allowed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of Loyd J. Palmer for compensation for services rendered as United States Commissioner in the district of Minnesota from December 1, 1935, to June 6, 1937, inclusive, notwithstanding the fact that accounts therefor were not submitted by the commissioner within one year after the rendition of such services in accordance with the provisions of the Act of March 1, 1933 (47 Stat. 1383).

Approved, July 14, 1939.

47 Stat. 1383.  
28 U. S. C. § 599a.

[CHAPTER 277]

AN ACT

For the relief of the Postal Telegraph-Cable Company.

July 14, 1939  
[S. 1487]

[Private, No. 74]

Postal Telegraph-Cable Co. of New York, N. Y.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Postal Telegraph-Cable Company of New York, New York, the sum of \$2,598.86, in full satisfaction of its claim against the United States for reimbursement of expenses incurred in rebuilding and restoring a thirty-wire crossing over the Delaware River between Raven Rock, New Jersey, and Lumberville, Pennsylvania, which was demolished and knocked into the Delaware River by a United States 046 Army observation plane, on February 19, 1937, while engaged in making a flight over the Delaware River: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 14, 1939.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty for violation.

[CHAPTER 278]

AN ACT

For the relief of Naomi Straley and Bonnie Straley.

July 14, 1939  
[S. 1847]

[Private, No. 75]

Naomi Straley and Bonnie Straley.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Naomi Straley, of Omaha, Nebraska, the sum of \$500, in full satisfaction of her claims

against the United States for damages for personal injuries sustained by her, and to Bonnie Straley, of Omaha, Nebraska, the sum of \$4,500 in full satisfaction of all her claims against the United States for damages for personal injuries received by her and for the death of her mother, said injuries and death having resulted from a collision on the night of December 11, 1935, near Tacoma, Washington, on the Tacoma-Vancouver Highway, between the automobile Bonnie Straley was driving and a truck in the use of the Works Progress Administration standing crosswise on said highway and left improperly lighted and guarded: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 14, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

#### [CHAPTER 279]

##### AN ACT

Authorizing the Comptroller General of the United States to adjust and settle the claim of E. Devlin, Incorporated.

July 14, 1939  
[S. 2126]

[Private, No. 76]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of E. Devlin, Incorporated, for its services and expenses incurred in connection with the preparation of the body and the interment of the late Wallace C. Marietta, and to allow in full and final settlement of such claim an amount not to exceed the sum of \$100. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

E. Devlin, Inc.  
Adjustment of claim authorized.

Appropriation.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, July 14, 1939.

#### [CHAPTER 280]

##### AN ACT

For the relief of John Chastain and Mollie Chastain, his wife.

July 14, 1939  
[H. R. 3541]

[Private, No. 77]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Chastain and Mollie Chastain, his wife, of Soledad, Monterey County, California, the sum of \$3,500. The payment of such sum shall be in full settlement of all claims of the said John Chastain and Mollie Chastain, his wife, against the United States for the death of their minor son, Thomas Chastain, on August 11, 1937, when he was struck down and killed by a truck, the property of the

John and Mollie Chastain.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

United States, in the service of the Civilian Conservation Corps, on the Salinas River Bridge on Highway Numbered 101, one mile south of Soledad, Monterey County, California: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 14, 1939.

#### [CHAPTER 292]

#### AN ACT

For the relief of Dica Perkins.

July 15, 1939  
[S. 12]

[Private, No. 78]

Dica Perkins.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dica Perkins the sum of \$100 in full satisfaction of her claim against the United States arising out of the removal from her property near Cane Beds, Arizona, of certain pieces of petrified wood by enrollee members of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

#### [CHAPTER 293]

#### AN ACT

For the relief of Howard Arthur Beswick.

July 15, 1939  
[S. 129]

[Private, No. 79]

Howard Arthur Beswick.  
Provisions of Employees' Compensation Act extended to.

39 Stat. 746, 747.  
5 U. S. C. §§ 768-770.

*Proviso.*  
Time for filing claim.  
No prior benefits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Howard Arthur Beswick, of Ludlow, Vermont, for disability alleged to have been incurred by him October 21, 1928, when a plane piloted by him while a Naval Reserve officer on active duty crashed near Des Moines, Iowa: *Provided*, That claim hereunder shall be filed within six months after the approval of this Act: *Provided further*, That no benefits shall accrue prior to the enactment of this Act.

Approved, July 15, 1939.

## [CHAPTER 294]

## AN ACT

For the relief of Anthony Coniglio.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anthony Coniglio, of Lincoln, Nebraska, the sum of \$750, in full satisfaction of all his claims against the United States for compensation for an injury sustained by him, causing the loss of hearing in one ear, while an inmate of the United States prison camp at Kooskia, Idaho, as the result of an explosion of dynamite when he was working with a crew on a road near Kooskia, Idaho, on October 5, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

July 15, 1939  
[S. 221]

[Private, No. 80]

Anthony Coniglio.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 295]

## AN ACT

For the relief of Mrs. Quitman Smith.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Quitman Smith, of Hattiesburg, Mississippi, the sum of \$1,353.70, in full settlement of all her claims against the United States for personal injuries sustained and expenses incurred as a result of an accident which occurred on March 19, 1938, when the automobile which she was driving was struck by a truck driven by Dan M. Barrett, an employee of the Works Progress Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

July 15, 1939  
[S. 431]

[Private, No. 81]

Mrs. Quitman  
Smith.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 296]

## AN ACT

To authorize certain officers and enlisted men of the United States Army to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following-named officers and enlisted men of the United States Army are hereby authorized to accept such medals, orders, and decorations, as have been tendered them by foreign governments in appreciation of services rendered:

July 15, 1939  
[S. 510]

[Private, No. 82]

Army.  
Acceptance of certain decorations tendered by foreign governments to certain personnel, authorized.

Brigadier General Charles Burnett; Brigadier General Leigh C. Fairbank; Colonel Lester D. Baker; Colonel Albert Gilmore; Colonel Martin C. Shallenberger; Colonel Rodney H. Smith; Colonel Edwin M. Watson; Colonel F. Langley Whitley; Lieutenant Colonel Edward M. Almond; Lieutenant Colonel John B. Coulter; Lieutenant Colonel Louis A. Craig; Lieutenant Colonel Howard C. Davidson; Lieutenant Colonel John F. Davis; Lieutenant Colonel Norman E. Fiske; Lieutenant Colonel Henry B. Lewis; Lieutenant Colonel John E. McMahon; Lieutenant Colonel Burton Y. Read; Lieutenant Colonel William R. Schmidt; Lieutenant Colonel John Andrew Weeks; Lieutenant Colonel Lawrence B. Weeks; Lieutenant Colonel John S. Winslow; Major Charles Y. Banfill; Major Robert E. Cummings; Major Harold L. George; Major Samuel A. Greenwell; Major Gustav B. Guenther; Major Caleb V. Haynes; Major William D. Hohenthal; Major Vincent J. Meloy; Major Lawrence C. Mitchell; Major Wilton B. Persons; Major Lowell M. Riley; Major Horace B. Smith; Captain Mark M. Boatner, Junior; Captain Malin Craig, Junior; Captain Townsend Griffiss; Captain Alva L. Harvey; Captain George Honnen; Captain Ford J. Lauer; Captain Carl B. McDaniel; Captain Daniel J. Martin; Captain William A. Matheny; Captain Floyd L. Parks; Captain George W. Read, Junior; Captain Harry McK. Roper; Captain Thomas D. White; First Lieutenant William C. Bentley, Junior; First Lieutenant John A. Cleveland, Junior; First Lieutenant Richard S. Freeman; First Lieutenant Frederic E. Glantzberg; First Lieutenant Curtis E. LeMay; First Lieutenant Edwin L. Tucker; First Lieutenant Torgils G. Wold; Second Lieutenant Edwin Nevin Howell; Second Lieutenant Lawrence A. Spilman; Second Lieutenant James H. Rothrock, Air Reserve (active); Master Sergeant Floyd B. Haney; Technical Sergeant Adolph Cattarius; Staff Sergeant Charles S. Guinn; Staff Sergeant Ralph W. Spencer; Staff Sergeant Henry L. West; Sergeant Frank B. Conner; Corporal John S. Gray; Corporal Clarence D. Lake; Corporal James E. Sands; Private (First-Class) Russell E. Junior; Private (First-Class) Norbert D. Flinn; Private (First-Class) Joseph H. Walsh; and Private Hansen Outley.

Approved, July 15, 1939.

[CHAPTER 297]

AN ACT

For the relief of Ray Wimmer.

July 15, 1939  
[S. 633]

[Private, No. 83]

Ray Wimmer.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ray Wimmer, the sum of \$121.20, in full satisfaction of his claim against the United States for the use of his personally owned automobile from December 5, 1934, to February 15, 1935, while employed as cruiser-appraiser, Indian Service, in cruising and appraising of timber on the Colville Indian Reservation, Washington: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

## [CHAPTER 298]

## AN ACT

To authorize Major Andrew S. Rowan, United States Army, retired, to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered.

July 15, 1939

[S. 746]

[Private, No. 84]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following-named retired officer of the United States Army is hereby authorized to accept the Order Carlos Manuel de Céspedes tendered him by the Government of Cuba in appreciation of services rendered: Major Andrew S. Rowan.

Approved, July 15, 1939.

Maj. Andrew S. Rowan.  
Acceptance of foreign decoration, authorized.

## [CHAPTER 299]

## AN ACT

For the relief of Albert Pina Afonso, a minor.

July 15, 1939

[S. 1001]

[Private, No. 85]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Albert Pina Afonso, a minor, of Woburn, Massachusetts, the sum of \$3,000, in full satisfaction of all claims against the United States for damages sustained by the said Albert Pina Afonso as a result of being struck and injured by a United States mail truck in Woburn, Massachusetts, on January 28, 1932: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

Albert Pina Afonso.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 300]

## AN ACT

For the relief of Herbert M. Snapp.

July 15, 1939

[S. 1180]

[Private, No. 86]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended and as limited by the Act of February 15, 1934 (48 Stat. 351), the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Herbert M. Snapp, of Desha Route, Batesville, Arkansas, for disability to his left eye alleged to have been incurred by him on April 3, 1937, while employed as a foreman at Sylamore Camp F-8, Ozark National Forest, Calico Rock, Arkansas: *Provided*, That claim hereunder shall be filed within six months after the approval of this Act: *Provided further*, That no benefits shall accrue prior to the enactment of this Act.

Approved, July 15, 1939.

Herbert M. Snapp.  
Provisions of Employees' Compensation Act extended to.

39 Stat. 746, 747; 48 Stat. 351.  
5 U. S. C. §§ 765, 770, 796.

*Proviso.*  
Time for filing claim.  
No prior benefits.

## [CHAPTER 301]

## AN ACT

For the relief of Ida May Lennon.

July 15, 1939  
[S. 1387]

[Private, No. 87]

Ida May Lennon.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ida May Lennon, of Bedford, Ohio, the sum of \$179.08, in full satisfaction of her claims against the United States for compensation for damage done to a building owned by her in Saint Ignace, Michigan, by blasting of the Civil Works Administration during February and March 1934: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

## [CHAPTER 302]

## AN ACT

For the relief of F. E. Perkins.

July 15, 1939  
[S. 1517]

[Private, No. 88]

F. E. Perkins.  
Credit to official trust fund checking account of.41 Stat. 416; 47 Stat.  
1417.  
26 U. S. C. § 413.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,418.82, which sum of \$3,418.82 shall be credited by the Secretary of the Treasury to the official trust fund checking account of F. E. Perkins, symbol 89-463, former Superintendent of the Shawnee Indian Agency, Shawnee, Oklahoma, with the Treasurer of the United States, to cover a net shortage of trust and official funds, representing funds of individual Indians, \$3,402.32, and fees collected pursuant to the Act of February 14, 1920 (41 Stat. 415), as amended by the Act of March 1, 1933 (47 Stat. 1417), \$16.50, caused by the peculations of Joseph A. Pourier, former employee of that agency.

Approved, July 15, 1939.

## [CHAPTER 303]

## AN ACT

For the relief of J. Vernon Phillips.

July 15, 1939  
[S. 1692]

[Private, No. 89]

J. Vernon Phillips.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Vernon Phillips, formerly an employee of the Soil Conservation Service, Department of Agriculture, in Gaffney, South Carolina, the sum of \$231.10, in full satisfaction of his claim against the United States, for twenty-five days and four hours of accrued annual leave which he would have received had he been continued on the pay roll after July 31, 1936, until the date of the expiration of his accumulated annual leave: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall

be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

Penalty for violation.

#### [CHAPTER 304]

##### AN ACT

Authorizing the Secretary of the Interior to issue to Martha Austin a patent to certain land.

July 15, 1939

[S. 1778]

[Private, No. 90]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to issue to Martha Austin a patent in fee to the north half southwest quarter section 1, and north half southeast quarter section 2, township 34 north, range 31 east Montana principal meridian: *Provided,* That the patent shall contain a reservation to the United States of all the oil and gas in the lands so patented, together with the right to prospect for, mine, and remove the same, in accordance with the provisions, reservations, conditions, and limitations of the Act of July 17, 1914 (38 Stat. 509).

Martha Austin.  
Issue of land patent to.

*Proviso.*  
Mineral, etc., reservation.

38 Stat. 509.  
30 U. S. C. §§ 121-123.

Approved, July 15, 1939.

#### [CHAPTER 305]

##### AN ACT

For the relief of Ivan Charles Grace.

July 15, 1939

[S. 1894]

[Private, No. 91]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ivan Charles Grace the sum of \$6,000, in full settlement of all claims against the United States on account of personal injuries and expenses incident thereto, as a result of a collision involving an Army truck on April 30, 1937, near Bejuco, Republic of Panama: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Ivan Charles Grace.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, July 15, 1939.

#### [CHAPTER 306]

##### AN ACT

For the relief of Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes.

July 15, 1939

[S. 1895]

[Private, No. 92]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maria Enriquez, Crisanta, Anselmo, Agustin, and Irineo de los Reyes, the widow and children, respectively, of Jose de los Reyes, the sum of \$3,100 in full satisfaction of all their claims against the United States on account of the death of the said Jose de los Reyes, as the result of an incident involving an Army airplane near Nichols Field,

Maria Enriquez de los Reyes and others.  
Payment to.



*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Philippine Islands, on March 17, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

# [CHAPTER 307]

## AN ACT

July 15, 1939  
[S. 2167]

[Private, No. 93]

To provide for the reimbursement of certain members or former members of the United States Coast Guard for the value of personal effects lost in the hurricane of September 21, 1938, at several Coast Guard stations on the coasts of New York, Connecticut, and Rhode Island.

Coast Guard.  
Reimbursement of certain members or former members for hurricane losses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the following-named personnel of the United States Coast Guard, in full settlement of their claims against the United States for loss or destruction of, or damage to, personal property and effects at the Coast Guard stations indicated as a result of the hurricane of September 21, 1938, as follows:

At the Coast Guard Academy, New London, Connecticut, James F. Bland, seaman, first-class, \$16.70; Joe Daniels, chief boatswain's mate, \$13.20; Walter S. Haas, fireman, second-class, \$12.50; Joseph P. Iannantuono, seaman, first-class, \$15.95; Thomas P. Kilarny, chief yeoman, \$3.70; Joseph Olson, seaman, first-class, \$8.09; Paul C. Smith, carpenter's mate, third-class, \$3.70.

At the Block Island Coast Guard Station, Block Island, Rhode Island, Harry E. Johnson, chief boatswain (lifesaving), \$5.60.

At the Brenton Point Coast Guard Station, Newport, Rhode Island, Charles Edwin Adamson, motor machinist's mate, second-class (lifesaving), \$90.25; Willis Emil Bastareche, surfman, \$64.45; Manuel Cabral, surfman, \$54.50; George Ammette Choquette, surfman, \$35.50; Orin Edward Edwards, surfman, \$63.25; Joseph Anthony Flores, surfman, \$82.50; George Gadbois, surfman, \$52.50; Joseph Alphonse Gautreau, surfman, \$52; George Philip Lewis, chief boatswain's mate (lifesaving), \$93; Manuel Soares Macedo, surfman, \$64.85; Leonard Anthony McCarthy, surfman, \$81; Ralph Edgar Small, boatswain's mate, first-class, \$54.50; Coulter L. Tillet, surfman, \$26.08; George Atwood Williams, motor machinist's mate, first-class, \$52.50.

At the Moriches Coast Guard Station, West Hampton, New York, John Rowland Avery, surfman, \$262.97; William Thomas Beacham, boatswain's mate, first-class (lifesaving), \$277; Leonard Haven Benjamin, motor machinist's mate, second-class (lifesaving), \$240.42; Jerry George Berka, surfman, \$254.55; William P. Cheek, surfman, \$245.73; Linville Gates Farrow, surfman, \$268.11; Guion James Garner, surfman, \$292.09; William Alfred Hargis, surfman, \$238.97; John Oliver Hull, surfman, \$237.79; Roland Edward Jean, chief boatswain's mate (lifesaving), \$273.59; James Henry Ketcham, chief boatswain's mate (lifesaving), \$417.45; Ernest Louis Killian, surfman, \$292.72; William Henry Knowles, surfman, \$269.16; George John Loy, surfman, \$27.91; Olen Miller, surfman, \$252.21; Thomas

King Morton, surfman, \$44.62; Allan Tracy Ruggles, boatswain's mate, first-class (lifesaving), \$343.36.

At the Shinnecock Coast Guard Station, Hampton Bays, New York, Ernest Bateman Barnette, surfman, \$247.01; Harry Tunnell Carter, surfman, \$117.80; Russel Helbert Creef, surfman, \$224.74; Harvey Rodger Davis, boatswain's mate, first-class (lifesaving), \$320.65; John Lemar Edwards, boatswain (lifesaving), retired, \$360.60; Callie Fulcher, surfman, \$240.31; Howard Dale Harris, boatswain's mate, first-class (lifesaving), \$263.12; Carl Ross Jennett, surfman, \$232.79; Archie Worth Jones, surfman, \$251.75; Charles Mades, surfman, \$244.95; Melvin Brown Midgette, surfman, \$238.25; Burnis Morris, motor machinist's mate, second-class (lifesaving), \$333.18; Clayton Murphy, surfman, \$243.98; Lee Edward Parsons, boatswain's mate, first-class (lifesaving), \$306.62; Lewis Purnell Rodgers, surfman, \$285; and Charles Fearing Scott, surfman, \$228.63.

At the Mecox Coast Guard Station, East Hampton, New York, Roy Alfred Guimont, radioman, first-class, \$29: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

#### [CHAPTER 308]

##### AN ACT

To extend to Sergeant Major Edwin O. Swift, United States Marine Corps (retired), the benefits of the Act of May 7, 1932, providing highest World War rank to retired enlisted men.

July 15, 1939

[H. R. 4511]

[Private, No. 94]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Sergeant Major Edwin O. Swift, United States Marine Corps (retired), is hereby placed on the retired list of the United States Marine Corps with the rank of second lieutenant: *Provided*, That no increase in active or retired pay or allowances shall result from the passage of this Act over and above that now authorized under the Act of June 6, 1924, to enlisted men on the retired list.

Approved, July 15, 1939.

Sgt. Maj. Edwin O. Swift.  
Retirement with rank of 2d Lt.

*Proviso.*  
Retired pay or allowances.  
43 Stat. 470.

#### [CHAPTER 309]

##### AN ACT

For the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles.

July 15, 1939

[H. R. 6346]

[Private, No. 95]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. A. R. Barnard, Portland, Oregon, the sum of \$672.80; to Charles A. Stephens, Newport, Oregon, the sum of \$852; and to Donald W. Prairie, Portland, Oregon, the sum of \$300; in all, \$1,824.80, as reimbursement for loss of the motorboat M. E. Sloan, which was capsized and destroyed while rendering assistance to the disabled Coast Guard

Mrs. A. R. Barnard and others.  
Payments to.

Mrs. Vern A. Needles.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

motor lifeboat numbered 4473 and crew of the Siuslaw Station, Florence, Oregon, on March 7, 1938; and the sum of \$5,000 to Mrs. Vern A. Needles, Newport, Oregon, widow of Vern A. Needles, who, as a member of the crew of the motorboat M. E. Sloan, was drowned when such motorboat was capsized and destroyed as aforesaid: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1939.

#### [CHAPTER 310]

#### JOINT RESOLUTION

July 15, 1939  
[S. J. Res. 2]

[Priv. Res., No. 2]

Providing for consideration of a recommendation for decoration of Sergeant Fred W. Stockham, deceased.

Sgt. Fred W. Stockham (deceased).  
Preamble.

Whereas on the nights of June 13-14, 1918, at Belleau Woods, Fred W. Stockham, deceased, formerly a gunnery sergeant, United States Marine Corps, in action involving actual conflict with the enemy, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty; and

Whereas a citation citing said Fred W. Stockham for the extraordinary heroism displayed by him at such time was written but, through accident, was not published and is not recorded in the War Department; and

Whereas no decoration has been awarded to said Fred W. Stockham for the extraordinary heroism displayed by him at such time: Therefore be it

Consideration of recommendation for decoration.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That any recommendation for decoration by the United States of America of Fred W. Stockham, deceased, formerly a gunnery sergeant, Ninety-sixth Company, Second Battalion, Sixth Division, United States Marine Corps, shall be considered and acted upon in the same manner as such recommendation would have been considered and acted upon if it had been pending on May 26, 1928.

Approved, July 15, 1939.

#### [CHAPTER 311]

#### AN ACT

For the relief of Ida A. Deaver.

July 17, 1939  
[S. 661]

[Private, No. 96]

Ida A. Deaver.  
Payment to.

*Provision.*  
Reimbursement from funds accruing in future.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ida A. Deaver, widow of Ira C. Deaver, the sum of \$109.37, in full payment of all claims against the United States for the amount deposited in the Treasury of the United States because of the disallowances by the General Accounting Office of certain payments made to members of the Sac and Fox Tribe in Oklahoma while he was superintendent and special disbursing agent of the Shawnee Agency at Shawnee, Oklahoma: *Provided*, That any funds accruing in the future to Noble Brown, Mabel Couteau, Horace Lasley, Harry G. Wakole, Ambrose Harrison, Thelma McCoy, or their estates shall be

used to reimburse the United States for each pro rata share of the expenditure herein authorized: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 17, 1939.

Limitation on attorney's, etc., fees.

Penalty for violation.

[CHAPTER 312]

AN ACT

For the relief of the Barkman Lumber Company.

July 17, 1939

[S. 1385]

[Private, No. 97]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Barkman Lumber Company, of East Tawas, Michigan, the sum of \$310.48, in full satisfaction of its claims against the United States for the remission of liquidated damages deducted from amounts otherwise due it for lumber and building materials furnished the United States Forest Service, Department of Agriculture, under unnumbered contracts dated May 29, 1936, and under contract numbered ER-A9fs-100, dated June 9, 1936, and contract numbered ER-A9fs-ccc-1126, dated June 10, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Barkman Lumber Company.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, July 17, 1939.

[CHAPTER 317]

AN ACT

For the relief of William Carl Laude.

July 17, 1939

[S. 1291]

[Private, No. 98]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of William Carl Laude as of August 29, 1936, and that the warrant of deportation be canceled, and William Carl Laude shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this Act he shall not be permitted to become a naturalized citizen of the United States unless and until he shall leave the United States and reenter in a lawful way in full compliance with the existing law.

William Carl Laude.  
Cancellation of deportation warrant.

Restriction on naturalization.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the non-preference category of the quota during the current year.

Deduction from non-preference category of quota during current year.

Approved, July 17, 1939.

## [CHAPTER 325]

## AN ACT

For the relief of the West Virginia Company.

July 18, 1939

[S. 289]

[Private, No. 99]

West Virginia Com-  
pany.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the West Virginia Company, of Charleston, West Virginia, the sum of \$1,876.43, in full satisfaction of its claim against the United States for reimbursement for the cost of repairing an Acme roller owned by it which was damaged through the negligence of an employee of the Works Progress Administration on May 25, 1937, and the loss of three months' rental for such Acme roller: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 18, 1939.

## [CHAPTER 326]

## AN ACT

To give proper recognition to the distinguished services of Colonel Ernest Graves.

July 18, 1939

[S. 681]

[Private, No. 100]

Col. Ernest Graves.  
Pay on returning to  
retired status.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Colonel Ernest Graves, United States Army, retired, now on active duty, shall, after being returned to a retired status, receive the retired pay corresponding to his rank and length of service at the time of said return to said retired status.

Approved, July 18, 1939.

## [CHAPTER 327]

## AN ACT

For the relief of S. A. Rourke.

July 18, 1939

[H. R. 733]

[Private, No. 101]

S. A. Rourke.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. A. Rourke, of Oklahoma City, Oklahoma, the sum of \$1,377.06, in full settlement of all claims against the United States, for storage in the Merchants Southwest Fireproof Warehouse Building, Oklahoma City, Oklahoma, of eight hundred cases of Old Reserve tonic from May 3, 1921, to July 6, 1923, which said tonic was stored and held in said warehouse by the United States marshal for the United States District Court for the Western District of Oklahoma, pending certain proceedings concerning said tonic in said court: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 18, 1939.

## [CHAPTER 332]

## AN ACT

For the relief of the Canvas Decoy Company.

July 19, 1939  
[S. 1629]

[Private, No. 102]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Canvas Decoy Company, of Union City, Tennessee, the sum of \$14,571.94, in full satisfaction of all claims of such company against the United States for remission of liquidated damages assessed against such company under the provisions of two contracts numbered W-669-ECF-563 and W-669-qm-ECF-717, entered into by such company with the War Department under dates of February 25, 1935, and March 29, 1935, respectively, for the manufacture and delivery of a quantity of raincoats to the War Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Canvas Decoy Com-  
pany.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

Approved, July 19, 1939.

## [CHAPTER 333]

## AN ACT

For the relief of Otis M. Culver, Samuel E. Abbey, Joseph Reger, and August H. Krueger.

July 19, 1939  
[H. R. 1882]

[Private, No. 103]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Otis M. Culver, Samuel E. Abbey, Joseph Reger, and August H. Krueger shall be held and considered to have been honorably discharged on December 10, 1898, as privates, Company C, Third Battalion, Fourth Regiment Wisconsin Volunteer Infantry, United States Army: *Provided*, That no pension, back pay, bounty, or other benefit shall be held to have accrued by reason of this Act prior to its passage.

Otis M. Culver and  
others.  
Military records cor-  
rected.

*Proviso.*  
No back pay, etc.

Approved, July 19, 1939.

## [CHAPTER 360]

## AN ACT

For the relief of Margaret B. Nonnenberg.

July 25, 1939  
[H. R. 3081]

[Private, No. 104]

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Margaret B. Nonnenberg, of Wilkinsburg, Pennsylvania, the sum of \$2,500, in full settlement of all claims against the United States for personal and bodily injuries sustained by her on November 16, 1936, at Pittsburgh, Pennsylvania, when the automobile in which she was a passenger was struck by a Government Plymouth sedan, operated by a Government employee in connection with the Civilian Conservation Corps, while the said operator was in the performance

Margaret B. Non-  
nenberg.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

of his duty: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 25, 1939.

[CHAPTER 361]

AN ACT

For the relief of Frank M. Croman.

July 25, 1939  
[H. R. 3614]  
[Private, No. 105]

Frank M. Croman.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank M. Croman, of Newark, New Jersey, the sum of \$718.85, in full settlement of all claims against the United States for personal injuries and property damages sustained as result of collision between the claimant's automobile and a United States Army truck, which collision occurred on the 19th day of April 1938, at about 3:30 postmeridian, on Dual Highway Numbered 40, at Poplar, Maryland: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 25, 1939.

[CHAPTER 362]

AN ACT

For the relief of H. W. Hamlin.

July 25, 1939  
[H. R. 4391]  
[Private, No. 106]

H. W. Hamlin.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. W. Hamlin the sum of \$246.50, in full settlement of all claims against the United States, for damages caused by a collision of the launch *Venis*, the property of the said H. W. Hamlin, with a submerged beacon of the Lighthouse Service off the Mount Pleasant shore in the harbor of Charleston, South Carolina, on December 27, 1916: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 25, 1939.

## [CHAPTER 363]

## AN ACT

For the relief of Captain Robert E. Coughlin.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Captain Robert E. Coughlin, Engineer Corps, United States Army, in the sum of \$165 on account of stoppage of pay as the result of alleged neglect of duty while stationed at Fort Worden, Washington, during the year 1922, and to certify the same to Congress for an appropriation.

Approved, July 25, 1939.

July 25, 1939  
[H. R. 4617]  
[Private, No. 107]

Capt. Robert E.  
Coughlin.  
Adjustment of claim.

## [CHAPTER 364]

## AN ACT

For the relief of John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and Michael Votsitsanos.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and Michael Votsitsanos, all residents of Tarpon Springs, Florida, engaged in deep-sea diving for sponges, shall each be permitted to remain in the United States, and shall not be subject to deportation on the grounds of unlawful residence in the United States, so long as engaged in deep-sea diving for sponges.

Approved, July 25, 1939.

July 25, 1939  
[H. R. 5494]  
[Private, No. 108]

John Marinis and  
others.  
Permission to re-  
main in United States;  
condition.

## [CHAPTER 365]

## AN ACT

To provide a posthumous advancement in grade for the late Ensign Joseph Hester Patterson, United States Navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is hereby authorized to issue posthumously to the late Ensign Joseph Hester Patterson, United States Navy, a commission as a lieutenant (junior grade) of the Navy with the date of rank as of June 4, 1939.

Approved, July 25, 1939.

July 25, 1939  
[H. R. 7052]  
[Private, No. 109]

Ensign Joseph Hester  
Patterson.  
Posthumous ad-  
vancement in grade  
authorized.

## [CHAPTER 380]

## AN ACT

For the relief of Marguerite Kuenzi.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marguerite Kuenzi, Mayville, Wisconsin, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Marguerite Kuenzi as the result of personal injuries received on March 24, 1936, when a partition, constituting part of the interior of the post office at Prairie du Sac, Wisconsin, fell and struck her: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the con-

July 26, 1939  
[H. R. 1883]  
[Private, No. 110]

Marguerite Kuenzi.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.



Penalty for violation.

trary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 26, 1939.

[CHAPTER 381]

AN ACT

For the relief of Charles G. Clement.

July 26, 1939  
[H. R. 3306]

[Private, No. 111]

Capt. Charles G. Clement.  
Military record corrected.

Proviso.  
No back pay, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, their widows or dependents, Captain Charles G. Clement, Company E, Three Hundred and Twenty-eighth Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on August 14, 1918: *Provided,* That no back pay or pension shall be held to have accrued prior to the approval of this Act.

Approved, July 26, 1939.

[CHAPTER 382]

AN ACT

For the relief of Mary A. Brummal.

July 26, 1939  
[H. R. 4155]

[Private, No. 112]

Mary A. Brummal.  
Payment to.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary A. Brummal, of Berkeley, California, the sum of \$500, in full settlement of all claims against the United States for injuries received when struck by the automobile of a special-delivery messenger on duty for the Post Office Department at Berkeley, California, February 28, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 26, 1939.

[CHAPTER 391]

AN ACT

For the relief of Virginia Guthrie, Jake C. Aaron, and Thomas W. Carter, Junior.

July 27, 1939  
[H. R. 2903]

[Private, No. 113]

Virginia Guthrie and others.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$1,200, as may be required by the Postmaster General to reward Virginia Guthrie, Jake C. Aaron, and Thomas W. Carter, Junior, for the apprehension of Doctor H. R. Hege, in connection with the mailing of a parcel containing a bomb. The amount to be rewarded to each person is to be determined by the Postmaster General, and to be accepted in full settlement of all claims of the said Virginia Guthrie, Jake C. Aaron, and Thomas W. Carter, Junior, against the United States for their

parts in said apprehension: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 27, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

#### [CHAPTER 392]

##### AN ACT

For the relief of William S. Huntley.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William S. Huntley, Saint Louis, Missouri, the sum of \$3,500. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said William S. Huntley on account of the death of his minor son, Irwin Huntley, who was killed on May 30, 1937, at or near Granite City, Illinois, when he was struck by a United States Department of the Interior truck in the service of the Resettlement Administration work camp at Grafton, Illinois: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 27, 1939.

July 27, 1939  
[H. R. 4782]  
[Private, No. 114]

William S. Huntley.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

#### [CHAPTER 394]

##### AN ACT

Authorizing the President to present a Distinguished Service Medal to Rear Admiral Harry Ervin Yarnell, United States Navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized to present a Distinguished Service Medal to Rear Admiral Harry Ervin Yarnell, United States Navy, for his skill and devotion to duty displayed during his tour of duty beginning October 30, 1936, as commander in chief of the United States Asiatic Fleet.

Approved, July 28, 1939.

July 28, 1939  
[S. 2442]  
[Private, No. 115]

Rear Admiral  
Harry Ervin Yarnell.  
Presentation of Distinguished Service Medal to, authorized.

#### [CHAPTER 402]

##### AN ACT

For the relief of Anna Elizabeth Watrous.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Elizabeth Watrous, of Baltimore, Maryland, the sum of \$500. Such sum shall be in full settlement of all claims for damages against the United States on account of injuries

July 31, 1939  
[H. R. 542]  
[Private, No. 116]

Anna Elizabeth  
Watrous.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

sustained by the said Anna Elizabeth Watrous when she was struck by a large rock blasted from a quarrying job under the control of the Works Progress Administration in Honolulu, Territory of Hawaii, on October 5, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 31, 1939.

#### [CHAPTER 403]

#### AN ACT

For the relief of W. E. R. Covell.

July 31, 1939  
[H. R. 2234]

[Private, No. 117]

W. E. R. Covell.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. E. R. Covell, of Pittsburgh, Pennsylvania, the sum of \$1,025, in full and final settlement of all claims against the United States for loss of and damage to personal property in a flood which occurred on March 17, 1936, while the same was stored in the United States Depot Lock Numbered 2, Ohio River, Pittsburgh, Pennsylvania: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 31, 1939.

#### [CHAPTER 404]

#### AN ACT

For the relief of Captain Clyde E. Steele, United States Army.

July 31, 1939  
[H. R. 3623]

[Private, No. 118]

Capt. Clyde E. Steele.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Clyde E. Steele, of the United States Army, the sum of \$715.61, in full settlement of all claims against the United States on account of loss of two packages, numbered 54 and 55, containing rugs, occurring in transit from the Presidio of San Francisco, California, to Fort Thomas, Kentucky, incident to his change of station under Special Orders, Numbered 122, War Department, dated May 22, 1936, as amended by Special Orders, Numbered 272, dated November 16, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 31, 1939.

## [CHAPTER 405]

## AN ACT

For the relief of the Allegheny Forging Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Allegheny Forging Company, of Pittsburgh, Pennsylvania, the sum of \$11,699.36, in full settlement of all claims against the United States for losses sustained in connection with its contract with the War Department for the delivery of steel, executed in June 1920, and for a refund of cash deposited under said contract: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 31, 1939.

July 31, 1939  
[H. R. 3673]  
[Private, No. 119]

Allegheny Forging  
Company.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 406]

## AN ACT

For the relief of John G. Wynn.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John G. Wynn, of Brandon, Mississippi, as legal guardian of his minor son, John G. Wynn, Junior, the sum of \$2,500, in full settlement of all claims against the United States for injuries sustained by said John G. Wynn, Junior, on May 13, 1938, on account of negligence on the part of employees of the Works Progress Administration in Brandon, Mississippi: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 31, 1939.

July 31, 1939  
[H. R. 3730]  
[Private, No. 120]

John G. Wynn, Jr.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 407]

## AN ACT

For the relief of Mr. and Mrs. John Shebestok, parents of Constance and Lois Shebestok.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. John Shebestok, of Cleveland, Ohio, the sum of \$3,500, in full settlement of all claims against the United States for the death of their daughter, Constance Shebestok, and injuries sustained by their daughter Lois Shebestok, on December 15, 1933, as a result of being struck by a truck in the service of the Civil Works Administration and

July 31, 1939  
[H. R. 4440]  
[Private, No. 121]

Mr. and Mrs. John  
Shebestok.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

operated by an employee of the Civil Works Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 31, 1939.

#### [CHAPTER 422]

#### AN ACT

For the relief of Fae Banas.

August 4, 1939  
[S. 683]

[Private, No. 122]

Fae Banas.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fae Banas, of Philadelphia, Pennsylvania, the sum of \$1,719.80, in full satisfaction of her claim against the United States for injuries suffered as the result of a collision with a Civilian Conservation Corps truck on route 331, eight miles north of Tampa, Florida, on the 7th day of December 1934 at 12 o'clock noon: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 4, 1939.

#### [CHAPTER 423]

#### AN ACT

For the relief of Dorothy Clair Hester, daughter of E. R. Hester.

August 4, 1939  
[S. 1322]

[Private, No. 123]

Dorothy Clair Hester.  
Payment to father.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. R. Hester, of Arcadia, Louisiana, for the benefit of his minor daughter, Dorothy Clair Hester, the sum of \$316.35, in full satisfaction of her claim against the United States for permanent injury received when she was struck by a Civilian Conservation Corps truck as it passed along the Arcadia-Bryceland Highway in Arcadia, Louisiana, March 7, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 4, 1939.

## [CHAPTER 424]

## AN ACT

For the relief of Hannis Hoven.

August 4, 1939

[S. 1722]

[Private, No. 124]

Hannis Hoven.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hannis Hoven, of Jackson, Alabama, the sum of \$2,500, in full and final settlement of his claim against the United States for permanent injuries sustained June 3, 1937, when the automobile in which he was a passenger was struck by a Chevrolet coupe, tag numbered 13-688, D. A. U. S. A., which was being driven by one Gaylord Willard, an employee of the United States Department of Agriculture, in the city of Mobile, Alabama: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 4, 1939.

## [CHAPTER 425]

## AN ACT

For the relief of Thomas A. Ross.

August 4, 1939

[S. 1882]

[Private, No. 125]

Thomas A. Ross.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas A. Ross, chief boatswain, United States Coast Guard, the sum of \$250, in full settlement of all claims against the United States for loss of, or damage to, personal property and effects resulting from the fire which occurred at Nome, Alaska, on September 17, 1934: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 4, 1939.

## [CHAPTER 428]

## AN ACT

To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Borg-Warner Corporation.

August 4, 1939

[S. 755]

[Private, No. 126]

Borg-Warner Corporation.  
Jurisdiction conferred upon Court of Claims to hear, etc. claim of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment in such amount as it deems may be equitably due, notwithstanding the lapse of time, or any statute of limitations, or any limitation upon the jurisdiction of such court with respect to claims upon any contract implied in law, upon the claim of the Borg-Warner Corporation, in its own right and as successor to the Marvel

*Proviso.*  
Limitation on  
amount of damages.

Time limitation for  
instituting claim.

Proceedings.

28 U. S. C. § 250.

Carbureter Company (formerly a wholly owned subsidiary of the Borg-Warner Corporation), against the United States in connection with the development of fuel-injection systems for use on military aircraft: *Provided, however*, That such damages shall not exceed the actual moneys expended by the said Borg-Warner Corporation and the Marvel Carbureter Company in connection with this said development during the calendar years 1927 to 1936, inclusive.

SEC. 2. Such claim shall be instituted by or on behalf of the Borg-Warner Corporation within one year after the date of the enactment of this Act. Proceedings in any suit before the Court of Claims under this Act, and review thereof and payment of any judgment therein, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Approved, August 4, 1939.

#### [CHAPTER 458]

#### AN ACT

For the relief of Jessie M. Durst.

August 5, 1939

[S. 806]

[Private, No. 127]

Jessie M. Durst.  
Provisions of Em-  
ployees' Compensation  
Act extended to.

39 Stat. 746, 747.  
8 U. S. C. §§ 767-  
770.

*Proviso.*  
No prior benefits.  
Time for filing  
claim.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Jessie M. Durst, who is alleged to have suffered injuries on or about May 25, 1936, while in the performance of her duties as an employee of the Works Progress Administration, at Fond du Lac, Wisconsin: *Provided*, That no benefit shall accrue prior to the approval of this Act: *And provided further*, That such claim be filed within six months after the passage of this Act.

Approved, August 5, 1939.

#### [CHAPTER 459]

#### AN ACT

For the relief of John B. Jones.

August 5, 1939

[S. 1081]

[Private, No. 128]

John B. Jones.  
Benefits of World  
War Adjusted Compens-  
ation Act extended to.

43 Stat. 121.  
38 U. S. C. ch. 11;  
Supp. IV, ch. 11.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That John B. Jones, who served as a first lieutenant, One Hundred and Forty-third Regiment United States Infantry, shall be entitled to apply for benefits of the World War Adjusted Compensation Act, as amended and supplemented, in the same manner as other officers and enlisted men of the United States Army who served during the World War, and who were discharged under honorable conditions, and upon presentation of proper proof to receive such compensation.

Approved, August 5, 1939.

#### [CHAPTER 460]

#### AN ACT

For the relief of Jesse Claud Branson.

August 5, 1939

[S. 1211]

[Private, No. 129]

Jesse Claud Bran-  
son.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jesse Claud Branson, of Kansas City, Missouri, the sum of \$3,000. Said sum shall be in full settlement of his claim against the United States on account of damages sustained by him when he was injured

and his automobile damaged by a United States rural mail carrier's automobile in a collision at the intersection of a side road with United States Route Numbered 50, about two miles east of Walton, Kansas, on April 29, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

# [CHAPTER 461]

## AN ACT

For the relief of Ernest Clinton and Frederick P. Deragisch.

August 5, 1939  
[S. 1229]

[Private, No. 130]

Ernest Clinton and  
Frederick P. Deragisch.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ernest Clinton, of Portland, Oregon, the sum of \$1,028.17, and to Frederick P. Deragisch, of Portland, Oregon, the sum of \$175.56, such payments being in reimbursement of sums which they were required to pay from their personal funds on account of stamps which were stolen, without their neglect or malfeasance, from stamp stocks with which they were charged at the post office in Portland, Oregon: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 5, 1939.

# [CHAPTER 462]

## AN ACT

For the relief of Grace S. Taylor.

August 5, 1939  
[S. 1339]

[Private, No. 131]

Grace S. Taylor.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Grace S. Taylor, Kensington, Maryland, the sum of \$100. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injuries sustained by the said Grace S. Taylor when the automobile which she was driving was struck, on March 12, 1937, in Washington, District of Columbia, by an automobile owned by the Veterans' Administration and operated by an employee of such department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 5, 1939.



## [CHAPTER 463]

## AN ACT

August 5, 1939

[S. 1901]

[Private, No. 132]

To extend to Sergeant Major Leonard E. Browning, United States Marine Corps, the benefits of the Act of May 7, 1932, providing highest World War rank to retired enlisted men.

Sgt. Maj. Leonard E. Browning.  
Promotion to rank of captain, on retirement.

*Proviso.*  
No pay increase above that now authorized.  
43 Stat. 472.  
34 U. S. C. § 999.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Sergeant Major Leonard E. Browning, United States Marine Corps, upon retirement after thirty years' service in the Army and Marine Corps (double time for service in the Philippines and China included), be placed on the retired list of the United States Marine Corps with the rank of captain: *Provided*, That no increase in active or retired pay or allowances shall result from the passage of this Act over and above that now authorized under the Act of June 6, 1924, to enlisted men on the retired list.

Approved, August 5, 1939.

## [CHAPTER 464]

## AN ACT

August 5, 1939

[S. 2067]

[Private, No. 133]

For the relief of Leslie J. Frane and Charles Frane.

Leslie J. Frane and Charles Frane.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leslie J. Frane, of Fort Wayne, Indiana, the sum of \$1,948.50, and to Charles Frane, the sum of \$3,995.25, in full settlement of all their claims against the United States for injuries and expenses incurred by Leslie J. Frane, and for the death of Mrs. Charles Frane, when the car in which they were traveling was struck by a Works Progress Administration truck on September 13, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

## [CHAPTER 465]

## AN ACT

August 5, 1939

[S. 2114]

[Private, No. 134]

For the relief of Virginia Pearson.

Virginia Pearson.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Virginia Pearson, of Bellingham, Washington, the sum of \$121.40, in full satisfaction of her claim against the United States for expenses incurred as the result of an accident involving a Government truck operated in connection with the Civilian Conservation Corps, at the intersection of Maple and Jersey Streets, Bellingham, Washington, on March 27, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwith-

standing. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

Penalty for violation.

[CHAPTER 466]

AN ACT

For the relief of Floyd M. Dunscomb.

August 5, 1939

[S. 2275]

[Private, No. 136]

Floyd M. Dunscomb.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Floyd M. Dunscomb, Norvell, Michigan, the sum of \$175, in full settlement of all claims against the United States for the value of personal property owned by Floyd M. Dunscomb and destroyed by fire at Camp Bewabic, Crystal Falls, Michigan, on February 13, 1937, while said Floyd M. Dunscomb was an employee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 5, 1939.

[CHAPTER 467]

AN ACT

For the relief of Franklin C. Richardson.

August 5, 1939

[S. 2366]

[Private, No. 136]

Franklin C. Richardson.  
Reenlistment authorized.  
R. S. § 1118.  
10 U. S. C. § 622.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions of section 1118 of the Revised Statutes of the United States, the Secretary of War is hereby authorized to reenlist in the United States Army Franklin C. Richardson, private, Hawaiian Casual Section, First Recruit Company of the Overseas Discharge and Replacement Depot, Fort Slocum, New York (serial number 6944754), on such future dates as the said Franklin C. Richardson may make application for reenlistment: *Provided*, That he meets the other requirements for reenlistment in the Army.

*Proviso.*  
Condition.

Approved, August 5, 1939.

[CHAPTER 468]

AN ACT

For the relief of Corinne W. Bienvenu (nee Corinne Wells).

August 5, 1939

[S. 2370]

[Private, No. 137]

Corinne W. Bienvenu.  
Military record corrected.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged members of the Army Nurse Corps Corinne W. Bienvenu, who served under her maiden name of Corinne Wells as a Reserve nurse, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a Reserve nurse on December 29, 1917: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

*Proviso.*  
No back pay, etc.

Approved, August 5, 1939.

## [CHAPTER 469]

## AN ACT

August 5, 1939

[S. 2618]

[Private, No. 138]

For the relief of certain persons whose property was damaged or destroyed as a result of the crashes of two airplanes of the United States Navy at East Braintree, Massachusetts, on April 4, 1939.

East Braintree,  
Mass., Navy airplane  
crashes.  
Payment of claims  
incident to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Henry J. Madden, of East Braintree, Massachusetts, the sum of \$10,194.94; to Thomas Mallen, of East Braintree, Massachusetts, the sum of \$205; to Albert J. De Coste, of East Braintree, Massachusetts, the sum of \$695; to Mrs. Herbert E. Bess, of East Braintree, Massachusetts, the sum of \$124.50; to Anselm A. Bjornson, of East Braintree, Massachusetts, the sum of \$3,885.25; to Victoria B. Frazier, of East Braintree, Massachusetts, the sum of \$140.75; to the Mutual Federal Savings and Loan Association, of Whitman, Massachusetts, the sum of \$50; to Mrs. Edward R. Osborne, of East Braintree, Massachusetts, the sum of \$25; to the water department of the town of Braintree, Massachusetts, the sum of \$106.24; to William Mac Faun, of South Weymouth, Massachusetts, the sum of \$198.75; and to Mary Marshall, of South Braintree, Massachusetts, the sum of \$105; said sums to be in full settlement of all claims against the United States for damage to the properties of the said Henry J. Madden, Thomas Mallen, Albert J. De Coste, Mrs. Herbert E. Bess, Anselm A. Bjornson, Victoria B. Frazier, Mutual Federal Savings and Loan Association, of Whitman, Massachusetts, Mrs. Edward R. Osborne, water department, town of Braintree, William Mac Faun, and Mary Marshall, sustained on April 4, 1939, by reason of the crashes of two airplanes of the United States Navy at East Braintree, Massachusetts: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 5, 1939.

## [CHAPTER 470]

## AN ACT

August 5, 1939

[S. 2626]

[Private, No. 139]

To authorize Leonhard Stejneger, of the United States National Museum, to accept certain decoration from the Norwegian Government.

Leonhard Stejneger.  
Acceptance of decoration  
from Norwegian Government  
authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Leonhard Stejneger, of the United States National Museum, be authorized to accept and wear the decoration of Commander of the Royal Norwegian Order of Saint Olav, tendered him by the Norwegian Government in recognition of his scientific work, and further that the Department of State be authorized to deliver said decoration to the said Leonhard Stejneger.

Approved, August 5, 1939.

## [CHAPTER 471]

## AN ACT

For the relief of Ada Fuller.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, the sum of \$150 to Ada Fuller, of Atlanta, Georgia, for personal injuries received as the result of being struck by a Works Progress Administration truck in Atlanta, Georgia, on November 20, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

August 5, 1939

[H. R. 2102]

[Private, No. 140]

Ada Fuller.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 472]

## AN ACT

For the relief of G. E. Williams.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$163.74 to G. E. Williams, of Denison, Texas, in full satisfaction of his claim against the United States for damages incurred as a result of the cancellation on December 3, 1935, of the contract numbered ER-Tps 66-979, awarded him on November 18, 1935, by the Treasury Department, to furnish one thousand cubic yards of sand for use on a Works Progress Administration project in Sherman, Texas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

August 5, 1939

[H. R. 2614]

[Private, No. 141]

G. E. Williams.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 473]

## AN ACT

For the relief of the estate of Frank M. Smith.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Frank M. Smith, deceased, formerly of Kerens, Texas, the sum of \$2,500, on account of the death of the said Frank M. Smith, who was killed on January 5, 1939, as result of a fall into an unguarded open drainage ditch of a Works Progress Administration project in the southwestern part of Kerens, in Navarro County,

August 5, 1939

[H. R. 4261]

[Private, No. 142]

Frank M. Smith.  
Payment to estate of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

**Texas: *Provided,*** That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

[CHAPTER 474]

AN ACT

August 5, 1939

[H. R. 4732]

[Private, No. 143]

To provide for the issuance of a license to practice chiropractic in the District of Columbia to George M. Corriveau.

George M. Corriveau.  
License to practice chiropractic in D. C., granted to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice chiropractic in the District of Columbia to George M. Corriveau in accordance with the provisions of the Act of Congress entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, and on condition that the said George M. Corriveau shall be found by said Commission to be otherwise qualified to practice under the provisions of said Act.

45 Stat. 1335.  
20 D. C. Code § 140.

Approved, August 5, 1939.

[CHAPTER 475]

AN ACT

August 5, 1939

[H. R. 4733]

[Private, No. 144]

To provide for the issuance of a license to practice chiropractic in the District of Columbia to Laura T. Corriveau.

Laura T. Corriveau.  
License to practice chiropractic in D. C., granted to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice chiropractic in the District of Columbia to Laura T. Corriveau in accordance with the provisions of the Act of Congress entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, and on condition that the said Laura T. Corriveau shall be found by said Commission to be otherwise qualified to practice under the provisions of said Act.

45 Stat. 1335.  
20 D. C. Code § 140.

Approved, August 5, 1939.

[CHAPTER 476]

AN ACT

August 5, 1939

[H. R. 4847]

[Private, No. 145]

For the relief of Leland J. Belding.

Leland J. Belding.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leland J. Belding the sum of \$800, in full settlement of all claims against the United States for loss and damage to personal possessions

resulting from the wrecking of the coastwise vessel *Helena* on July 28, 1929, upon the San Juan bar: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

#### [CHAPTER 484]

##### AN ACT

For the relief of Imogene Enley.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Imogene Enley, of Honolulu, Territory of Hawaii, the sum of \$171.20. Such sum shall be in full settlement of all claims for damages against the United States on account of injuries sustained by the said Imogene Enley when an Army truck collided at the Pearl City Junction, Territory of Hawaii, on June 27, 1936, with the parked car of which she was an occupant, said car having been halted by order of the military police to allow a gun convoy to pass: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

August 5, 1939  
[H. R. 543]  
[Private, No. 146]

Imogene Enley.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

#### [CHAPTER 485]

##### AN ACT

For the relief of William H. Keesey.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Keesey, of Frewsburg, Chautauqua County, New York, the sum of \$1,300.50 in full settlement of all claims against the United States on account of personal injuries incurred in a collision on September 30, 1935, between an automobile which he was driving and a Government vehicle operated in connection with the Civilian Conservation Corps, same being numbered U. S. C. C. C. 3520, near Jamestown, New York: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

August 5, 1939  
[H. R. 1436]  
[Private, No. 147]

William H. Keesey.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 486]

## AN ACT

August 5, 1939

[H. R. 3187]

[Private, No. 148]

For the relief of Franklin Lopez, administrator of the goods, chattels, and credits which were of Alice C. Lopez, deceased.

Alice C. Lopez.  
Payment to estate  
of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Franklin Lopez, administrator of the goods, chattels, and credits which were of Alice C. Lopez, deceased, late of New York City, New York, the sum of \$5,000, in full satisfaction of its claim against the United States for the death of said Alice C. Lopez, who was struck and killed by a United States mail truck (registration number 429141), at the intersection of West Twenty-third Street and Eighth Avenue in New York City on December 28, 1932: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

## [CHAPTER 487]

## AN ACT

August 5, 1939

[H. R. 3337]

[Private, No. 149]

For the relief of the estate of Arthur Weltner.

Arthur Weltner.  
Provisions of Employees' Compensation Act extended to estate of.

29 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
Time for filing claim.  
No prior benefits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of the estate of Arthur Weltner, formerly of Arverne, Long Island, New York, for damages as a result of the death of Arthur Weltner, alleged to have been caused by injuries suffered by him in performance of his duties in the Civilian Conservation Corps during the period October 26, 1936, to December 15, 1936: *Provided*, That claim hereunder shall be filed within six months after the approval of this Act: *Provided further*, That no benefits shall accrue prior to the enactment of this Act.

Approved, August 5, 1939.

## [CHAPTER 488]

## AN ACT

August 5, 1939

[H. R. 3345]

[Private, No. 150]

For the relief of the Ninety Six Oil Mill, of Ninety Six, South Carolina.

Ninety Six Oil Mill,  
Ninety Six, S. C.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. M. Lipscomb, sole surviving trustee of Ninety Six Oil Mill, Ninety Six, South Carolina, the sum of \$5,842.76, balance due on cotton linters in accordance with the findings of fact made by the Court of Claims under date of May 2, 1938.

Approved, August 5, 1939.

## [CHAPTER 489]

## AN ACT

For the relief of J. Aristide Lefevre.

August 5, 1939

[H. R. 3669]

[Private, No. 181]

J. Aristide Lefevre.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. Aristide Lefevre, of Holyoke, Massachusetts, out of any money in the Treasury not otherwise appropriated, the sum of \$108, in full settlement of all claims against the United States for reimbursement of the amount paid by the said J. Aristide Lefevre in settlement of a judgment rendered against him in favor of Corrine E. Dupuis, of Willimansett, Massachusetts, who was injured on August 13, 1936, as a result of being struck by a United States mail truck operated by him in the regular performance of his duties as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

## [CHAPTER 490]

## AN ACT

For the relief of Corabell Wuensch, Jackie Lee Wuensch, and Mary Rainbolt.

August 5, 1939

[H. R. 4264]

[Private, No. 152]

Corabell Wuensch  
and others.  
Payments to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Corabell Wuensch and the legal guardian of her son, Jackie Lee Wuensch, both of rural route numbered 2, Bargersville, Indiana, the sums of \$200 and \$453.10, respectively; to Mary Rainbolt, of rural route numbered 2, Bargersville, Indiana, the sum of \$1,886.35; in all, \$2,539.45 in full settlement of all claims against the Government of the United States for personal injuries sustained by them as a result of negligence on the part of an employee of the United States in the operation of a Civilian Conservation Corps truck when it struck the vehicle in which they were passengers, eight miles southwest of Bloomington, Indiana, on State Road Numbered 45, on October 13, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

## [CHAPTER 491]

## AN ACT

For the relief of Charles Enslow.

August 5, 1939

[H. R. 4609]

[Private, No. 153]

Charles Enslow.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated,



*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

to Charles Enslow, of Kingfisher, Kingfisher County, Oklahoma, the sum of \$1,200, in full settlement of all claims against the United States for injuries received April 24, 1938, at the United States Penitentiary, Leavenworth, Kansas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

[CHAPTER 492]

AN ACT

For the relief of Nicholas Contopoulos.

August 5, 1939  
[H. R. 5056]

[Private, No. 154]

Nicholas Contopoulos.  
Permanent residence permitted; cancellation of deportation order, etc.

Naturalization only on certain conditions.

Deduction from non-preference category of quota during current year.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Nicholas Contopoulos as of the year 1921, and that the warrant of deportation be canceled, and Nicholas Contopoulos shall not again be subject to deportation proceedings for the reasons set forth in said warrant, and that by the terms of this Act he shall not be permitted to become a naturalized citizen of the United States unless and until he shall leave the United States and reenter in a lawful way in full compliance with the existing law.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the non-preference category of the quota during the current year.

Approved, August 5, 1939.

[CHAPTER 496]

AN ACT

For the relief of the Rent-A-Car Company.

August 5, 1939  
[S. 1258]

[Private, No. 155]

Rent-A-Car Company.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Rent-A-Car Company, of Memphis, Tennessee, the sum of \$144.80, in full satisfaction of its claim against the United States, for reimbursement of expenses incurred in repairing an automobile rented on November 14, 1933, by a special agent of the Department of Justice and damaged while being used by such person on official business: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

## [CHAPTER 497]

## AN ACT

For the relief of Allie Holsomback and Lonnie Taylor.

August 5, 1939

[S. 1414]

[Private, No. 156]

Allie Holsomback  
and Lonnie Taylor.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Allie Holsomback, of Wyatt, Louisiana, the sum of \$759, and to Lonnie Taylor, of Natchez, Mississippi, the sum of \$175, in full and final settlement of all their claims against the United States for personal injuries and property damage sustained by them on October 28, 1937, near Hodge, Louisiana, when a Ford coach owned by the Government and operated in connection with the Soil Conservation Service collided with Allie Holsomback's wagon and a truck owned by Lonnie Taylor: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 5, 1939.

## [CHAPTER 498]

## AN ACT

For the relief of Earl J. Reed and Giles J. Gentry.

August 5, 1939

[S. 1420]

[Private, No. 157]

Earl J. Reed and  
Giles J. Gentry.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Earl J. Reed and Giles J. Gentry, jointly, of West Palm Beach, Florida, the sum of \$1,500, in full settlement of their claim against the United States for the loss sustained by them on account of the estreature on April 23, 1936, to the United States of their cash-appearance bond deposited by them and conditioned upon the delivery in the United States District Court for the Southern District of Florida, in Miami, Florida, in criminal case numbered 4816-M, of one Alva Slayton O'Dell, by reason of the nonappearance of said Alva Slayton O'Dell in said court, although said Alva Slayton O'Dell was subsequently apprehended on information furnished by said Earl J. Reed and Giles J. Gentry: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 5, 1939.

## [CHAPTER 499]

## AN ACT

For the relief of Hugh A. Smith.

August 5, 1939

[S. 2082]

[Private, No. 188]

Hugh A. Smith.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hugh A. Smith, of Bend, Oregon, the sum of \$220.65, in full satisfaction of his claim against the United States for expenses incurred, and property damage sustained, by him as a result of a collision between his automobile and a War Department truck which occurred near Fort Canby, Washington, on August 12, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 5, 1939.

## [CHAPTER 522]

## AN ACT

August 7, 1939

[H. R. 6362]

[Private, No. 150]

For the relief of Annie Bearden, Ruth Bearden, Essie Burton, Beatrice Carter, Mary Cobb, Addie Graham, Annie Grant, Sallie Harris, Minerva Holbrooks, Omie Keese, Sallie Maret, Josie McDonald, Jessie Morris, Martha O'Shields, Mae Phillips, Leila H. Roach, Belva Surratt, and Shelley Turner.

Annie Bearden and  
others.  
Payments to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$40 to Annie Bearden, the sum of \$25 to Ruth Bearden, the sum of \$35 to Essie Burton, the sum of \$30 to Beatrice Carter, the sum of \$35 to Mary Cobb, the sum of \$45 to Addie Graham, the sum of \$30 to Annie Grant, the sum of \$90 to Sallie Harris, the sum of \$30 to Minerva Holbrooks, the sum of \$50 to Omie Keese, the sum of \$45 to Sallie Maret, the sum of \$30 to Josie McDonald, the sum of \$110 to Jessie Morris, the sum of \$35 to Martha O'Shields, the sum of \$45 to Mae Phillips, the sum of \$30 to Leila H. Roach, the sum of \$65 to Belva Surratt, and the sum of \$30 to Shelley Turner, in full settlement of all claims against the United States for loss of personal property sustained on November 30, 1937, when fire destroyed the Works Progress Administration sewing room at Westminster, Oconee County, South Carolina: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 523]

## AN ACT

For the relief of Michael M. Cohen.

August 7, 1939

[H. R. 5775]

[Private, No. 160]

Michael M. Cohen.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Michael M. Cohen, of Boston, Massachusetts, the sum of \$1,000, representing the amount of a United States bond posted by him as security for an immigration bond executed by him in April 1937, and conditioned upon the appearance before immigration authorities of Salvatore Marino, such immigration bond having been forfeited as a result of the nonappearance of said Salvatore Marino, who was subsequently apprehended and deported: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 524]

## AN ACT

For the relief of Albert R. Rinke.

August 7, 1939

[H. R. 4033]

[Private, No. 161]

Albert R. Rinke.  
Provisions of Employees' Compensation Act extended to.39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, if filed within six months after the enactment of this Act, the claim of Albert R. Rinke, of North Little Rock, Arkansas, for disability alleged to have been caused by injuries sustained by him on July 13, 1935, while in the performance of his duties in the employment of the Civilian Conservation Corps.

Approved, August 7, 1939.

## [CHAPTER 525]

## AN ACT

For the relief of Grace Campbell.

August 7, 1939

[H. R. 3902]

[Private, No. 162]

Grace Campbell.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Grace Campbell, of Minneapolis, Minnesota, the sum of \$47.86, in full settlement of all claims against the United States for reimbursement of damages paid by the claimant as a result of a collision of her automobile with United States mail truck numbered X-17388 on October 30, 1934: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of

Penalty for violation.

services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

[CHAPTER 526]

AN ACT

For the relief of C. E. Hendrickson and the Stephenville Hospital, Stephenville, Texas.

August 7, 1939

[H. R. 3676]

[Private, No. 163]

C. E. Hendrickson.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. E. Hendrickson, of Parsons, Kansas, the sum of \$1,200. The payment of such sum shall be in full settlement of all claims against the United States for damages on account of personal injuries received by the said C. E. Hendrickson when he was struck on November 13, 1937, by a United States Army motorcycle, on Texas State Highway Numbered 10, between Cresson and Granbury, Hood County, Texas.

Stephenville Hospital,  
Stephenville,  
Tex.  
Payment to.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Stephenville Hospital, Stephenville, Texas, the sum of \$410, in full settlement of all claims against the United States for hospital and medical services furnished by such hospital to the said C. E. Hendrickson in the treatment of personal injuries received by him in the manner set forth in section 1 of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

[CHAPTER 527]

AN ACT

For the relief of Anna E. Hurley.

August 7, 1939

[H. R. 3156]

[Private, No. 164]

Anna E. Hurley.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Anna E. Hurley, of Kansas City, Kansas, the sum of \$1,646.11, in full settlement of all claims against the United States for damages to real and personal property, not reimbursed by insurance, and for extra expenses thereby necessitated, when, on or about January 8, 1938, an airplane belonging to and operated by persons attached to the Naval Reserve aviation base at Kansas City, Kansas, after failing and being abandoned in midair, crashed into the residence at 1121 Stewart Avenue, Kansas City, Kansas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent

*Proviso.*  
Limitation on attorney's, etc., fees.

or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty for violation.

Approved, August 7, 1939.

[CHAPTER 528]

AN ACT

For the relief of J. C. Grice.

August 7, 1939

[S. 891]

[Private, No. 165]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. C. Grice, of Whittier, North Carolina, the sum of \$201.15, in full satisfaction of his claim against the United States for mileage allowance for travel performed by means of his personally owned automobile during the period May 27, 1936, to January 8, 1938, while supervising certain construction projects for the Department of the Interior on the Cherokee Reservation at Cherokee, North Carolina: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

J. C. Grice.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

[CHAPTER 529]

AN ACT

For the relief of Sigvard C. Foro.

August 7, 1939

[S. 1092]

[Private, No. 168]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sigvard C. Foro, of Duluth, Minnesota, the sum of \$2,500, in full satisfaction of his claim against the United States for personal injuries and property damages sustained by him when his car was struck by a Civilian Conservation Corps truck on Highway Numbered 61 at Palmer, Minnesota, on August 5, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Sigvard C. Foro.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

## [CHAPTER 530]

## AN ACT

For the relief of Johannes or John, Julia, Michael, William, and Anna Kostiuk.

August 7, 1939  
[S. 1394]  
[Private, No. 167]

Johannes or John  
Kostiuk and others.  
Cancellation of order  
of deportation, etc.

Date of admittance  
for permanent resi-  
dence.

*Proviso.*  
Ineligibility to citi-  
zenship.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Johannes or John, Julia, Michael, William, and Anna Kostiuk. Hereafter, for the purposes of the immigration and naturalization laws, such aliens shall be deemed to have been admitted for all purposes to the United States for permanent residence on April 15, 1925: *Provided*, That the said Johannes or John, Julia, Michael, William, and Anna Kostiuk shall never be eligible to become citizens of the United States.

Approved, August 7, 1939.

## [CHAPTER 531]

## AN ACT

For the relief of Anna H. Rosa.

August 7, 1939  
[S. 1448]  
[Private, No. 168]

Anna H. Rosa.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed pay, out of any money in the Treasury not otherwise appropriated, to Anna H. Rosa, of East Providence, Rhode Island, the sum of \$30, in full settlement of all claims against the United States for damages to her automobile caused by snow falling from the roof of the customhouse at Providence, Rhode Island: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 532]

## AN ACT

For the relief of Joseph Lopez Ramos.

August 7, 1939  
[S. 1527]  
[Private, No. 169]

Joseph Lopez  
Ramos.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Lopez Ramos, of Naugatuck, Connecticut, the sum of \$500, such sum representing the amount reimbursed by him to the Aetna Casualty and Surety Company on account of the forfeiture of a bond for the appearance of Mario Augusto Lopez Ramos with respect to deportation proceedings, the warrant of deportation subsequently being canceled: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 533]

## AN ACT

For the relief of Montie S. Carlisle.

August 7, 1939

[S. 1816]

[Private, No. 170]

Montie S. Carlisle.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Montie S. Carlisle, of Albuquerque, New Mexico, the sum of \$500, in full satisfaction of his claim against the United States for compensation for injury and damage to his property located in section 10, township 15 north, range 1 east, New Mexico principal meridian, Sandoval County, New Mexico, resulting from activities of officers and enrollees of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 534]

## AN ACT

For the relief of Elizabeth E. Burke.

August 7, 1939

[S. 1905]

[Private, No. 171]

Elizabeth E. Burke.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth E. Burke, of Turners Falls, Massachusetts, the sum of \$304, in full satisfaction of her claim against the United States for compensation and reimbursement of medical and hospital expenses incurred by her as the result of personal injuries sustained by her when the car in which she was riding was struck by a Civilian Conservation Corps truck on January 26, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 535]

## AN ACT

For the relief of Joannes Josephus Citron.

August 7, 1939

[S. 1954]

[Private, No. 172]

Joannes Josephus  
Citron.  
Date of admittance  
for permanent residence.*Proviso.*  
Ineligibility to citizenship.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws Joannes Josephus Citron shall be deemed to have been admitted to the United States for permanent residence on or about November 23, 1925, at the port of Eastport, Idaho: *Provided*, That the said Joannes Josephus Citron shall not be eligible to become a citizen of the United States.

Approved, August 7, 1939.



## [CHAPTER 536]

## AN ACT

For the relief of C. L. Herren.

August 7, 1939

[S. 2029]

[Private, No. 173]

C. L. Herren.  
Credit in postal  
accounts.

Payment to, of total  
amount paid in settle-  
ment.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is authorized and directed to credit the postal savings account of C. L. Herren, postmaster at Clarinda, Iowa, in the sum of \$3,124.98, representing the amount due the United States on account of the embezzlement of postal-savings funds by Clarence P. Brown, formerly a clerk in the Clarinda, Iowa, post office.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said C. L. Herren a sum equal to the total sum of any amounts which have been paid by him to the United States in settlement of such amount: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 537]

## AN ACT

For the relief of Russell B. Hendrix.

August 7, 1939

[S. 2406]

[Private, No. 174]

Russell B. Hendrix.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Russell B. Hendrix, of Fort Wayne, Indiana, the sum of \$3,851.75 in full settlement of all claims against the United States because of personal injuries and expenses sustained by the said Russell B. Hendrix on November 5, 1936, when the car in which he was traveling was struck by a Works Progress Administration automobile driven by James Fordyce: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 538]

## AN ACT

Authorizing the naturalization of John Ullmann, Junior.

August 7, 1939

[S. 2427]

[Private, No. 175]

John Ullmann, Jr.  
Naturalization au-  
thorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other provision of law, at any time within one year after the date of enactment of this Act, John Ullmann, Junior, of the United States Navy, retired, may be naturalized as a citizen of the United States by taking the naturalization oath of allegiance before any court having jurisdiction of the naturalization of aliens.

Approved, August 7, 1939.

## [CHAPTER 539]

## AN ACT

For the relief of First Lieutenant Samuel E. Williams.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to First Lieutenant Samuel E. Williams the sum of \$178 in full settlement of all claims against the United States for the loss of his personal property destroyed in a fire at Fort Benning, Georgia, February 22, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

August 7, 1939  
[H. R. 1428]

[Private, No. 176]

First Lt. Samuel E.  
Williams.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 540]

## AN ACT

For the relief of the Women's Board of Domestic Missions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Women's Board of Domestic Missions, Reformed Church in America, the sum of \$1,500 in full settlement of all claims against the United States on account of destruction by fire of a building belonging to the Women's Board of Domestic Missions while being used without compensation by the United States Government for Indian-school purposes: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

August 7, 1939  
[H. R. 1875]

[Private, No. 177]

Women's Board of  
Domestic Missions,  
Reformed Church in  
America.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 541]

## AN ACT

For the relief of Lucile Snider and Cliff Snider, Junior.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucile Snider, of Smithville, Georgia, the sum of \$1,000, and to Cliff Snider, Junior, the sum of \$1,000, in full satisfaction of all their claims against the United States for the death of their father, Cliff Snider, who was killed when the automobile in which he was a passenger was struck by a Civilian Conservation Corps truck driven by an enrollee, Joe Holder, on the Americus-Andersonville Highway, about eight miles

August 7, 1939  
[H. R. 2096]

[Private, No. 178]

Lucile Snider and  
Cliff Snider, Jr.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

north of Americus, Georgia, on October 25, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

[CHAPTER 542]

AN ACT

For the relief of James McConnachie.

August 7, 1939  
[H. R. 2344]

[Private, No. 179]

James McConnachie.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James McConnachie, of Austin, Texas, the sum of \$3,900. The payment of such sum shall be in full satisfaction of the claim of the said James McConnachie against the United States for damage to his stucco duplex apartment when a United States Army airplane crashed into it at Austin, Texas, on December 7, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

[CHAPTER 543]

AN ACT

For the relief of the estate of Harvey T. Combs.

August 7, 1939  
[H. R. 2363]

[Private, No. 180]

Harvey T. Combs.  
Payment to estate of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence D. Combs, Zanesville, Ohio, administrator of the estate of Harvey T. Combs, deceased, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States for the wrongful death of the said Harvey T. Combs as a result of being struck on March 27, 1937, at the intersection of Amelia Street and Jackson Street, in Zanesville, Ohio, by a motor vehicle in the service of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 544]

## AN ACT

For the relief of Violet Dewey.

August 7, 1939

[H. R. 3084]

[Private, No. 181]

Violet Dewey.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Violet Dewey, of Wilmington, California, the sum of \$2,500 in full settlement of all claims against the United States on account of personal injuries received by the said Violet Dewey when she was struck by a motor vehicle in the service of the Immigration and Naturalization Service, Department of Labor, on November 22, 1937, near Anaheim, Orange County, California: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

## [CHAPTER 549]

## AN ACT

For the relief of Joseph W. Parse.

August 7, 1939

[S. 1688]

[Private, No. 182]

Joseph W. Parse.  
Allowance of claim for services as U. S. Commissioner.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and allow the claim of Joseph W. Parse for compensation for services rendered as United States Commissioner in the eastern district of Arkansas from December 1, 1933, to November 30, 1936, inclusive, notwithstanding the fact that accounts therefor were not submitted by the Commissioner within one year after the rendition of such services in accordance with the provisions of the Act of March 1, 1933 (47 Stat. 1383).

47 Stat. 1383.  
28 U. S. C. § 599a.

Approved, August 7, 1939.

## [CHAPTER 573]

## AN ACT

For the relief of Hugh McGuire.

August 7, 1939

[S. 765]

[Private, No. 183]

Hugh McGuire.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$600 to Hugh McGuire, of Turner, Montana, in full satisfaction of his claim against the United States for the loss of his truck, such truck having been destroyed on December 5, 1936, by a fire which burned a garage at Turner, Montana, in which it was stored for the purpose of safeguarding its load, consisting of property used in connection with Resettlement Administration projects: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

## [CHAPTER 574]

## AN ACT

For the relief of Calliope Minaca Pilavakis.

August 7, 1939  
[S. 808]

[Private, No. 184]

Calliope Minaca  
Pilavakis.  
Date of admittance  
for permanent resi-  
dence established.

*Proviso.*  
Ineligibility to citi-  
zenship.

Cancellation of de-  
portation proceedings.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws Calliope Minaca Pilavakis, of Newark, New Jersey, the wife of Xenophon Pilavakis and the mother of two children born in the United States, shall be held and considered to have been admitted to the United States for permanent residence on February 7, 1936: *Provided,* That the said Calliope Minaca Pilavakis shall never be eligible to become a citizen of the United States.

SEC. 2. Any proceedings heretofore or hereafter instituted for the deportation of the said Calliope Minaca Pilavakis on the ground of unlawful residence in the United States shall be null and void.

Approved, August 7, 1939.

## [CHAPTER 575]

## AN ACT

For the relief of Harry K. Snyder.

August 7, 1939  
[S. 1821]

[Private, No. 185]

Harry K. Snyder.  
Provisions of Em-  
ployees' Compensa-  
tion Act extended to.

39 Stat. 746, 747.  
5 U. S. C. §§ 766-770.

*Provisos.*  
No prior benefits.

Time for filing claim.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and is hereby, authorized and directed to receive and consider, when filed, the claim of Harry K. Snyder, of Wilmington, Delaware, for disability alleged to have been incurred by him on February 16, 1926, while employed as a keeper of the United States Lighthouse Service, Port Penn, Delaware, and to determine said claim upon its merits under provisions of said Act: *Provided,* That no benefits shall accrue prior to the enactment of this Act: *And provided further,* That such claim be filed within six months after the passage of this Act.

Approved, August 7, 1939.

## [CHAPTER 576]

## AN ACT

For the relief of Joseph Alder, E. G. Allen, and E. G. Allen and By Hanchett jointly.

August 7, 1939  
[S. 2054]

[Private, No. 186]

Joseph Alder and  
others.  
Payments to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$422.96 to Joseph Alder, the sum of \$100 to E. G. Allen, and the sum of \$124.75 to E. G. Allen and By Hanchett jointly, in full satisfaction of their claims against the United States arising out of the breaking of Cluff Reservoir Dam Numbered 3, near Safford, Arizona, on May 1, 1937, such dam having been constructed by the Department of Agriculture through the Soil Conservation Service: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any

contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

Penalty for violation.

[CHAPTER 577]

AN ACT

For the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department.

August 7, 1939

[S. 2179]

[Private, No. 187]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States is hereby authorized and directed to allow credit in the June 1937 and July 1938 accounts of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, without charge against the certifying officer of the Department of the Interior, for the following vouchers covering the purchase of tents and canvas: Voucher 13-85798, \$65; voucher 13-86963, \$73.75; voucher 13-87591, \$784.25; voucher 13-87592, \$366.02; voucher 13-8340, \$40.75.

Guy F. Allen.  
Credit allowed in  
accounts of.

Approved, August 7, 1939.

[CHAPTER 578]

AN ACT

For the relief of Banks Business College.

August 7, 1939

[H. R. 777]

[Private, No. 188]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Banks Business College, a corporation organized in 1885 and existing under the laws of the State of New Jersey, and having its principal place of business at Philadelphia, Pennsylvania, is hereby authorized to bring suit against the United States of America in the Court of Claims for the purpose of recovering any alleged damages suffered by the said Banks Business College which the Court of Claims may find to be attributable to the United States Government, by reason of the said Banks Business College's being evicted on January 1, 1918, from the premises which it occupied.

Banks Business College.  
Authority granted  
to bring suit in Court  
of Claims.

SEC. 2. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action upon its merits, with the view of rendering judgment, if any, in favor of the claimant for any such alleged damages described in section 1.

Jurisdiction conferred.

SEC. 3. This Act shall not be interpreted as raising any presumption or conclusion of fact or law but shall be held solely to provide for trial upon facts as may be alleged.

Interpretation.

Approved, August 7, 1939.

[CHAPTER 579]

AN ACT

For the relief of Frank Malles, Junior.

August 7, 1939

[H. R. 2250]

[Private, No. 189]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Frank Malles, Junior, of Chicago, Illinois, the sum of \$500. The payment of such sum shall be in full settlement of all claims against the United States on account of injuries received by the said Frank Malles, Junior, on March 7, 1935, when struck by a

Frank Malles, Jr.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

United States mail truck, at the time driven by Harry Vogt, a United States post-office employee assigned to the Chicago Post Office, who at the time was on duty and engaged in his regular duties as an employee, United States Postal Service: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

#### [CHAPTER 580]

#### AN ACT

For the relief of Kyle Blair.

August 7, 1939  
[H. R. 3104]

[Private, No. 190]

Kyle Blair.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kyle Blair, of Whirlwind, Logan County, West Virginia, the sum of \$2,500, in full satisfaction of all claims against the United States for injuries sustained by him on February 27, 1934, through negligence on the part of employees of the Civil Works Administration, while engaged in the building of a road on Harts Creek in Logan County, West Virginia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

#### [CHAPTER 581]

#### AN ACT

For the relief of Otho L. Curtner.

August 7, 1939  
[H. R. 3933]

[Private, No. 191]

Otho L. Curtner.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Otho L. Curtner, of Steele, Missouri, the sum of \$4,000, in full settlement of all claims against the United States for personal injuries sustained by him on August 18, 1937, while encamped with the One Hundred and Fortieth Regiment Missouri National Guard Infantry, at Fort Riley, Kansas, which said injury was the direct result of the negligent acts of employees of the Works Progress Administration engaging in blasting on Works Progress Administration project numbered 265-82-5000: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 582]

## AN ACT

For the relief of Clarendon Davis.

August 7, 1939

[H. R. 4062]

[Private, No. 192]

Clarendon Davis.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarendon Davis, of Camilla, Georgia, the sum of \$300 for war-savings certificates which were registered and lost and for which the Treasury Department declines to pay, for the reason that the evidence submitted, while showing registration, does not show that the certificates were actually delivered to purchaser by postmaster.

Approved, August 7, 1939.

## [CHAPTER 583]

## AN ACT

For the relief of certain disbursing agents and employees of the Indian Service.

August 7, 1939

[H. R. 4065]

[Private, No. 193]

Indian Service.  
J. E. Balmer and  
other disbursing  
agents.

Credit in accounts.

46 Stat. 1103.  
5 U. S. C. § 73a.

Refunds authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is hereby authorized and directed to allow credit to employees of the Indian Service and in the accounts of J. E. Balmer, S. F. Stacher, and J. W. Elliott, disbursing agents of the Indian Service, for payments made during the period November 1933 to April 1934 to certain employees for the use of their personally owned automobiles as provided in the Act of February 14, 1931 (46 Stat. 1103), to the extent that payments have been disallowed solely because the oil and gas used in such automobiles were purchased from Government supplies.

SEC. 2. Refunds are hereby authorized to be made, out of any money in the Treasury not otherwise appropriated, to any employees from whom collections have been made and deposited into the Treasury pursuant to disallowances on account of mileage payments made by the disbursing agents named in section 1 hereof.

Approved, August 7, 1939.

## [CHAPTER 584]

## AN ACT

For the relief of W. C. and James Latane, and Willie Johnson.

August 7, 1939

[H. R. 4115]

[Private, No. 194]

W. C. Latane and  
others.  
Payments to.Proviso.  
Limitation on attor-  
ney's, etc., fees.Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. C. Latane and James Latane, of Westmoreland County, Virginia, the sum of \$2,267.50, and to Willie Johnson, of Westmoreland County, Virginia, the sum of \$387.50, in full settlement of all claims against the United States because of the loss of cattle and horses by death in November 1937 from arsenic poisoning as a result of Japanese beetle control operations at George Washington Birthplace National Monument in the State of Virginia in September 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.



## [CHAPTER 585]

## AN ACT

For the relief of Celia Press and Bernard Press.

August 7, 1939

[H. R. 4141]

[Private, No. 196]

Celia Press.  
Payment to.Bernard Press.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Celia Press, Middletown, Connecticut, the sum of \$214.50, out of any money in the Treasury not otherwise appropriated, such sum to be in full settlement of all claims against the United States or any employee thereof for damages by reason of her automobile being struck and damaged in Hamden, Connecticut, on May 31, 1936, by an automobile which was carelessly and negligently driven by a special-delivery messenger of the Post Office Department in the course of his employment and delivery of mail; and to Bernard Press, of Middletown, Connecticut, the sum of \$299, out of any money in the Treasury not otherwise appropriated, in full settlement of all claims against the United States for damages sustained by him by reason of being struck and permanently injured while riding in the car of Celia Press in this collision: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 586]

## AN ACT

For the relief of Harry Vrontas and Theodore Vrontas.

August 7, 1939

[H. R. 4276]

[Private, No. 196]

Harry Vrontas.  
Payment to, and to guardian of Theodore Vrontas.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry Vrontas, of Allston, Massachusetts, the sum of \$433 and to the legal guardian of Theodore Vrontas, a minor, of Allston, Massachusetts, the sum of \$300, in full settlement of all claims against the United States for injuries sustained by the said Theodore Vrontas, when struck by a pipe being used on a Works Progress Administration project on May 3, 1938, in Allston, Massachusetts: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 587]

## AN ACT

For the relief of Anton Saganey, John J. Beatty, Frederick J. Coppenrath, Joseph R. Driscoll, Edward A. Morash, and Michael L. Siderowicz.

August 7, 1939

[H. R. 4300]

[Private, No. 197]

Anton Saganey and others.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

Anton Saganey, Boston, Massachusetts, the sum of \$145.60; John J. Beatty, South Boston, Massachusetts, the sum of \$10.14; Frederick J. Coppenrath, Roslindale, Massachusetts, the sum of \$15; Joseph R. Driscoll, Dorchester, Massachusetts, the sum of \$17; Edward A. Morash, Boston, Massachusetts, the sum of \$4; and Michael L. Sidorowicz, Watertown, Massachusetts, the sum of \$12, in all, \$203.74, in full settlement of their claims against the United States for the loss of, or damage to, tools and other personal property in a fire that occurred on Works Progress Administration official project numbered 65-14-9415, on July 15, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

# [CHAPTER 588]

## AN ACT

For the relief of the Toledo Terminal Railroad Company of Toledo, Ohio.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Toledo Terminal Railroad Company, Toledo, Ohio, the sum of \$2,081, in full settlement of all claims against the United States for damages to its Navarre Avenue bridge, Toledo, Ohio, as a result of an accident involving a truck operated in connection with the Works Progress Administration at Toledo, Ohio, on July 7, 1938: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

August 7, 1939  
[H. R. 4906]

[Private, No. 198]

Toledo Terminal  
Railroad Co., Toledo,  
Ohio.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

# [CHAPTER 589]

## AN ACT

For the relief of M. F. Gubrud.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. F. Gubrud, of Ambrose, North Dakota, the sum of \$240.86 in full settlement of all claims against the Government of the United States for money paid in connection with two importations of frozen wheat from Canada, covered by entries filed at Ambrose, North Dakota, on April 27 and May 17, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

August 7, 1939  
[H. R. 4916]

[Private, No. 199]

M. F. Gubrud.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 7, 1939.

## [CHAPTER 590]

## AN ACT

For the relief of William L. Rull.

August 7, 1939

[H. R. 4726]

[Private, No. 200]

William L. Rull.  
Payment to; condi-  
tion.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William L. Rull, of Boston, Massachusetts, the sum of \$1,000, upon either the making of an assignment of all rights under, or the filing of a discharge and satisfaction of, a judgment and execution rendered for the sum of \$1,610.59 in the Superior Court of the Commonwealth of Massachusetts for the county of Suffolk, on January 9, 1939, against William J. Smith, of Roxbury, Massachusetts, the operator of a United States mail truck, in favor of the said William L. Rull for damages sustained as a result of personal injuries received September 15, 1937, in Boston, Massachusetts, when he was struck by the said mail truck while it was being operated by the said William J. Smith in the regular course of his duties. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained as a result of such injuries: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 591]

## AN ACT

For the relief of Mamie Hoffman.

August 7, 1939

[H. R. 4876]

[Private, No. 201]

Mamie Hoffman.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Mamie Hoffman, of Messick, Virginia, widow of Milton H. Hoffman, in full settlement of all claims of said Mamie Hoffman against the United States arising by reason of the death of said Milton H. Hoffman occasioned by a bomb dropped by an airplane owned and operated by the United States on the 13th day of December 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 592]

## AN ACT

For the relief of Harry W. Lyle.

August 7, 1939

[H. R. 5115]

[Private, No. 202]

Harry W. Lyle.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay,

out of any money in the Treasury not otherwise appropriated, to Harry W. Lyle, Johnson City, Tennessee, the amount required to reimburse him for services rendered as clerk to the Medical Advisory Board, Numbered 37, from February 1, 1918, to September 21, 1918, in the sum of \$586.62 in full settlement of all claims against the United States, both principal and interest.

Approved, August 7, 1939.

## [CHAPTER 593]

## AN ACT

For the relief of Mrs. Laver Taylor.

August 7, 1939  
[H. R. 5259]

[Private, No. 203]

Mrs. Laver Taylor.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Laver Taylor, of Daingerfield, Texas, the sum of \$1,360. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Mrs. Laver Taylor on account of the death of her son, Hardy Taylor, who died on April 2, 1938, as a result of personal injuries received when he was struck by a truck in the service of the Civilian Conservation Corps on State Highway Numbered 49, near Daingerfield, Texas, on April 1, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 594]

## AN ACT

For the relief of Mina Keil.

August 7, 1939  
[H. R. 5266]

[Private, No. 204]

Mina Keil.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mina Keil, of Muncie, Indiana, the sum of \$500. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injuries sustained by the said Mina Keil when the automobile in which she was a passenger was struck, on October 13, 1936, near Stanford, Indiana, by a truck owned by the Civilian Conservation Corps and operated by an employee of the Corps: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 595]

## AN ACT

For the relief of H. A. Dixon.

August 7, 1939

[H. R. 5383]

[Private, No. 908]

H. A. Dixon.  
Payment to.Proviso.  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. A. Dixon, of Miami, Florida, the sum of \$115.85, in full settlement of all claims against the United States for costumes and apparel furnished to the Works Progress Administration upon the order and direction of the Director of the Federal Theater Project of Miami, Florida, at Miami, Florida, on September 10, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 596]

## AN ACT

For the relief of V. H. Scheuring, Elmer Eggers, and Thomas Fahey.

August 7, 1939

[H. R. 5587]

[Private, No. 206]

V. H. Scheuring and  
Elmer Eggers.  
Payments to.Proviso.  
Clerk of district  
court to satisfy of records  
said judgments.Limitation on attorney's,  
etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to V. H. Scheuring, of Dunlap, Iowa, the sum of \$500; and to Elmer Eggers, of Dunlap, Iowa, the sum of \$287.50; in full satisfaction of their respective claims against the United States or any employee thereof, for the amount of a judgment obtained September 28, 1937, against Thomas Fahey in the United States District Court for the Southern District of Iowa, on account of personal injuries and damages sustained by them when their automobile overturned as the result of a collision with an automobile confiscated in the name of the Government and operated by said Thomas Fahey, an investigator, Alcohol Tax Unit, Bureau of Internal Revenue, Treasury Department, in performing his official duties, on United States Highway Numbered 30, near Woodbine, Harrison County, Iowa, January 30, 1937: *Provided*, That the clerk of the United States District Court for the Southern District of Iowa is hereby authorized and directed, upon notification of payment by the Secretary of the Treasury as herein provided, to satisfy of records the said judgments obtained by V. H. Scheuring and Elmer Eggers against Thomas Fahey, in said court: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 597]

## AN ACT

For the relief of H. H. Rhyne, Junior.

August 7, 1939  
[H. R. 5996]

[Private, No. 207]

H. H. Rhyne, Jr.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to H. H. Rhyne, Junior, of Mecklenburg County, North Carolina, in full satisfaction of all claims against the United States, or any employee thereof, for damages sustained on account of the death of his minor child, Mary Douglas Rhyne, who was killed on the 10th day of November 1938 as a result of being struck by a truck owned by the Works Progress Administration and operated by one of its employees: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 598]

## AN ACT

For the relief of Clyde Equipment Company.

August 7, 1939  
[H. R. 5993]

[Private, No. 208]

Clyde Equipment  
Co.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde Equipment Company, of Portland, Oregon, the sum of \$3,273.39. The payment of such sum shall be in full settlement of all claims against the United States for losses sustained by such company as a result of the destruction by fire of two caterpillar tractors and two bulldozers, owned by said company, on August 6, 1936, while such tractors and bulldozers were being used on a Works Progress Administration project at the Portland, Oregon, super airport: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

## [CHAPTER 599]

## AN ACT

For the relief of John E. Garrett.

August 7, 1939  
[H. R. 5994]

[Private, No. 209]

John E. Garrett.  
Credit in postal  
accounts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of John E. Garrett, postmaster at Dwight, Illinois, with the sum of \$12,223.04, representing the amount of money and postage stamps lost in the burglary of the post office

at Dwight, Illinois, on November 9, 1937, such loss having resulted from no fault or negligence on the part of said postmaster, as determined by the Postmaster General under a provision in title 39, United States Code, section 49.

Approved, August 7, 1939.

39 U. S. C. § 49.

[CHAPTER 600]

AN ACT

For the relief of James D. Larry, Senior.

August 7, 1939

[H. R. 5895]

[Private, No. 210]

James D. Larry, Sr.  
Credit in postal accounts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of James D. Larry, Senior, postmaster at Melrose Park, Illinois, with the sum of \$10,314.79, representing the amount of public funds and stamp stock lost in the burglary of the post office at Melrose Park, Illinois, on April 21, 1937, such loss having resulted from no fault or negligence on the part of said postmaster, as determined by the Postmaster General under a provision in title 39, United States Code, section 49.

Approved, August 7, 1939.

39 U. S. C. § 49.

[CHAPTER 601]

AN ACT

For the relief of the heirs of Emma J. Hall.

August 7, 1939

[H. R. 5951]

[Private, No. 211]

Emma J. Hall.  
Payment to heirs of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Emma J. Hall, formerly of Santa Monica, California, the sum of \$1,500. Such sum shall be in full settlement of all claims against the United States on account of fatal injuries sustained by the said Emma J. Hall as result of a fall down steps leading from the lobby of the Santa Monica (California) Post Office on October 18, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 7, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

[CHAPTER 602]

AN ACT

For the relief of Roscoe B. Huston and Simeon F. Felarca.

August 7, 1939

[H. R. 6491]

[Private, No. 212]

Roscoe B. Huston.  
Credit in postal accounts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is hereby authorized and directed to credit the account of Roscoe B. Huston, postmaster at Detroit, Michigan, in the amount of \$195.21, representing compensation in part paid, and in part to be paid, to Simeon F. Felarca and earned by the latter while employed as a substitute laborer in the post office at Detroit, disallowance of the amount having been based upon a legal prohibition resulting from lack of proof of citizenship.

SEC. 2. The postmaster at Detroit, Michigan, is hereby authorized and directed to pay to Simeon F. Felarca the balance due him of \$34.28 for services rendered, such amount being incorporated in the amount stated in section 1 of this Act.

Approved, August 7, 1939.

Simeon F. Felarca.  
Payment to.

[CHAPTER 603]

AN ACT

For the relief of Buford Lee Pratt.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the limitations of time in sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Buford Lee Pratt, of Spencer, Virginia, and the United States Employees' Compensation Commission is authorized, under the remaining provisions of said Act, to receive and consider his claim for compensation for disability resulting from an injury sustained on July 11, 1934, while employed as a tobacco committeeman in the tobacco production adjustment program of the United States Department of Agriculture: *Provided*, That claim hereunder shall be filed within six months from the date of the approval of this Act.

Approved, August 7, 1939.

August 7, 1939  
[H. R. 6963]  
[Private, No. 213]

Buford Lee Pratt.  
Provisions of Em-  
ployees' Compensation  
Act extended to.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
Time for filing claim.

[CHAPTER 604]

AN ACT

To provide for the presentation of a medal to Howard Hughes in recognition of his achievements in advancing the science of aviation.

August 7, 1939  
[H. R. 7089]  
[Private, No. 214]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in recognition of the achievements of Howard Hughes in advancing the science of aviation and thus bringing great credit to his country throughout the world, the Secretary of the Treasury is authorized and directed to cause to be struck, and the President is authorized to present to the said Howard Hughes, a gold medal of appropriate design with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury.

Howard Hughes.  
Presentation of gold  
medal to, authorized.

SEC. 2. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this Act.

Appropriation au-  
thorized.

Approved, August 7, 1939.

[CHAPTER 623]

AN ACT

For the relief of the legal guardian of Dorothy Elizabeth Sisson, a minor.

August 9, 1939  
[S. 1430]  
[Private, No. 215]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Dorothy Elizabeth Sisson, a minor, of Memphis, Tennessee, the sum of \$1,230. The payment of such sum shall be in full settlement of all claims or judgments against the United States, or J. H. Rochester, of Memphis, Tennessee, on account of personal injuries received by said Dorothy Elizabeth Sisson, when struck, on

Dorothy Elizabeth  
Sisson.  
Payment to guard-  
ian of.



*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

March 19, 1935, in Memphis, Tennessee, by a United States mail truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1939.

[CHAPTER 624]

AN ACT

For the relief of Evelyn Mary Locke.

August 9, 1939

[S. 1815]

[Private, No. 216]

Evelyn Mary Locke.  
Cancellation of warrant of deportation.

Admission deemed lawful.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of deportation heretofore issued against Evelyn Mary Locke. Hereafter, such alien shall be deemed to have been lawfully admitted to the United States for permanent residence on October 12, 1937, at the port of Blaine, Washington.

Approved, August 9, 1939.

[CHAPTER 625]

AN ACT

For the relief of Virgil Kuehl, a minor.

August 9, 1939

[H. R. 2346]

[Private, No. 217]

Virgil Kuehl.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Virgil Kuehl, a minor of San Antonio, Texas, the sum of \$3,500, in full settlement of all claims against the Government for injuries sustained on December 13, 1935, when a ladder, negligently placed against a school building by employees of the Works Progress Administration, fell upon him at Perry School, Perry, Texas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1939.

[CHAPTER 626]

AN ACT

For the relief of William H. Radcliffe.

August 9, 1939

[H. R. 4549]

[Private, No. 218]

William H. Radcliffe.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Radcliffe, Supervising Superintendent of Construction, Veterans' Administration, the sum of \$155.56, in full settlement of his claim against the United States for reimbursement at the author-

ized rate of 4 cents per mile for official travel performed during the period from July 6, 1936, to August 20, 1936, in an automobile then registered under the laws of the State of California in the name of his wife: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

# [CHAPTER 627]

## AN ACT

For the relief of Francis A. Leete and Sarah Leete.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay to Francis A. Leete and Sarah Leete, of Northville, Fulton County, New York, out of any money in the Treasury not otherwise appropriated, the sums of \$2,500 and \$1,000, respectively, in full satisfaction of their claims against the United States arising from personal injuries sustained when the car in which they were riding was struck by a Government ambulance, operated in connection with the Civilian Conservation Corps, on Riverdale Street at West Springfield, Massachusetts, on January 26, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1939.

August 9, 1939  
[H. R. 4554]  
[Private, No. 219]

Francis A. Leete  
and Sarah Leete.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

# [CHAPTER 628]

## AN ACT

For the relief of Paul W. McCoy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States is authorized and directed to credit the postal savings account of Paul W. McCoy, postmaster at Edison, Nebraska, in the sum of \$2,500. Such sum represents a shortage in said account caused by the accidental burning of that amount of United States currency on December 6, 1936.

Approved, August 9, 1939.

August 9, 1939  
[H. R. 4601]  
[Private, No. 220]

Paul W. McCoy.  
Credit in postal accounts.

# [CHAPTER 629]

## AN ACT

For the relief of James W. Gilson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General is authorized and directed to credit the account of James W. Gilson, former postmaster at Hartford, Connecticut, in

August 9, 1939  
[H. R. 4726]  
[Private, No. 221]

James W. Gilson.  
Credit in postal accounts.

Credit of any recovery hereafter made.

the sum of \$682.64. Such sum represents the balance of a shortage in such account caused by the embezzlement of post-office funds by one of the postal clerks at such post office. Any recovery hereafter made by the Government in respect of such shortage may, in the discretion of the Comptroller General, be credited to the account of such former postmaster in the event that any additional shortage in his account is disclosed, if such additional shortage has occurred without fault or negligence on the part of such former postmaster.

Approved, August 9, 1939.

[CHAPTER 630]

AN ACT

For the relief of James M. Harwood.

August 9, 1939

[H. R. 468<sup>5</sup>]

[Private, No. 222]

James M. Harwood.  
Determination of  
disability claim of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to determine the merits of the claim of James M. Harwood, Johnson City, Tennessee, for disability alleged to have resulted from an injury sustained by him on January 3, 1929, while in the performance of his duties as a war attendant in the dental clinic of the Veterans' Administration facility, Johnson City, Tennessee, under the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, except that the time limitations in sections 15 to 20, inclusive, of said Act shall be, and are hereby, waived: *Provided*, That no benefits shall accrue prior to the approval of this Act: *And provided further*, That claim hereunder be filed within six months after the approval of this Act.

Approved, August 9, 1939.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
No prior benefits.  
Time for filing claim.

[CHAPTER 631]

AN ACT

For the relief of Jack D. Collins.

August 9, 1939

[H. R. 6259]

[Private, No. 223]

Jack D. Collins.  
Provisions of Em-  
ployees' Compensation  
Act extended to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to consider the claim of Jack D. Collins, filed with the United States Employees' Compensation Commission on January 10, 1939, for disability alleged to have been incurred by him May 3, 1935, when engaged in authorized activities while an enrollee of the Civilian Conservation Corps, and to determine said claim upon its merits under the provisions of said Act applicable to enrollees of the Civilian Conservation Corps: *Provided*, That no benefits shall accrue prior to the approval of this Act: *Provided further*, That claim hereunder shall be filed within ninety days from the approval of this Act.

Approved, August 9, 1939.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
No prior benefits.  
Time for filing  
claim.

## [CHAPTER 632]

## AN ACT

For the relief of the Arkansas State Penitentiary.

August 9, 1939  
[H. R. 6641]  
[Private, No. 224]Arkansas State Penitentiary.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Arkansas State Penitentiary the sum of \$11,414.17, in full settlement of all claims against the United States for expenses incurred by the Arkansas State Penitentiary as a result of furnishing, at the request of the United States district engineer, nine hundred and fifty-five convicts for emergency work in maintaining the levees in the Lower Saint Francis Levee District of Arkansas during the flood emergency in January and February 1937, on the Mississippi River: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 9, 1939.

## [CHAPTER 648]

## AN ACT

For the relief of Mrs. Pacios Pijuan.

August 10, 1939  
[S. 1654]  
[Private, No. 225]Mrs. Pacios Pijuan.  
Cancellation of order of deportation, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Mrs. Pacios Pijuan heretofore issued on the grounds that admission to the United States had been fraudulently gained and that she shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence.

Admission deemed lawful.

Approved, August 10, 1939.

## [CHAPTER 649]

## AN ACT

For the relief of A. E. Bostrom.

August 10, 1939  
[S. 1812]  
[Private, No. 226]A. E. Bostrom.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. E. Bostrom, of De Smet, South Dakota, the sum of \$309, in full satisfaction of his claim against the United States on account of the loss of certain personal property which was destroyed by fire on January 23, 1935, at Onigum, Minnesota, while said claimant was temporarily employed by the Indian Service as a physician: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 10, 1939.

## [CHAPTER 650]

## AN ACT

For the relief of Daumit Tannaus Saleah (Dave Thomas).

August 10, 1939  
[S. 1911]

[Private, No. 227]

Daumit Tannaus  
Saleah.  
Cancellation of order  
of deportation, etc.Admission deemed  
lawful.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Labor is directed to cancel forthwith any outstanding warrant of arrest, order of deportation, warrant of deportation, and bond, if any, in the case of alien Daumit Tannaus Saleah, and is directed not to issue any further warrants or orders in the case of such alien, insofar as such future warrants or orders are based on the unlawful entry of such alien into the United States prior to the enactment of this Act, or on perjury or false statements in connection with such entry into the United States, or with any application heretofore made for a reentry permit or extension thereof. The said alien in April of 1928 secured the admission of his two children, Evelina Saleah, aged sixteen years, and Solomon Saleah, aged thirteen years, who are now residing with the alien's father at New Kensington, Pennsylvania, where they are attending the public schools. Deportation warrants were never issued in this case inasmuch as the Department of Labor has regarded this as a so-called hardship case. Hereafter, for the purpose of the immigration and naturalization laws, said alien shall be considered to have been, at New York, New York, on November 25, 1933, lawfully admitted to the United States for permanent residence.

Approved, August 10, 1939.

## [CHAPTER 651]

## AN ACT

For the relief of Dorothy Clair, G. F. Allen, and Earl Wooldridge.

August 10, 1939  
[S. 2239]

[Private, No. 228]

Dorothy Clair.  
Credit in accounts.G. F. Allen.  
Credit in accounts.  
Earl Wooldridge  
Credit in accounts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is hereby authorized and directed to allow credit to Dorothy Clair, a former employee of the Rocky Boy's Indian Agency at Rocky Boy, Montana, and to allow credit in the accounts of G. F. Allen, chief disbursing officer, and Earl Wooldridge, formerly superintendent and certifying officer of that agency, for the amount of \$127.28, representing per diem and travel expenses paid to said Dorothy Clair for the period August 19, 1937, to September 10, 1937, inclusive.

Approved, August 10, 1939.

## [CHAPTER 652]

## AN ACT

For the relief of Okie May Fegley.

August 10, 1939  
[H. R. 875]

[Private, No. 229]

Okie May Fegley.  
Payment to.Proctor.  
Limitation on attor-  
ney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government, to Okie May Fegley, of Williamsport, Pennsylvania, the sum of \$6,000 in compensation for injuries caused by a post-office truck, resulting in serious and permanent injury: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account

of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

Penalty for violation.

#### [CHAPTER 653]

##### AN ACT

To confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Fiske Warren.

August 10, 1939

[H. R. 3172]

[Private, No. 230]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of the estate of Fiske Warren, Harvard, Massachusetts, for damages alleged to have been sustained by him as a result of the leasing of his property, situated in the town of Harvard, Massachusetts, to the United States Army, under contract numbered W218qm-562, dated June 30, 1933.

Fiske Warren.  
Jurisdiction conferred on Court of Claims to hear claim of estate of.

SEC. 2. Such claim may be instituted at any time within two years after the passage of this Act, notwithstanding the lapse of time or any statute of limitations. Proceedings in any suit before the Court of Claims under this Act, and appeals therefrom, and payment of any judgment thereon, shall be had as in the case of claims over which such court has jurisdiction under the Judicial Code.

Time for instituting claim.

Proceedings.

Approved, August 10, 1939.

#### [CHAPTER 654]

##### AN ACT

For the relief of certain postmasters.

August 10, 1939

[H. R. 5348]

[Private, No. 231]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is hereby authorized and directed to credit the account of W. Rufus Jackson, postmaster, Saint Louis, Missouri, in the amount of \$50, representing a disallowance by the General Accounting Office for an overpayment made to Conrad Groepper, who served as clerk in charge of contract station numbered 45 of the Saint Louis, Missouri, post office.

W. Rufus Jackson.  
Credit in postal accounts.

SEC. 2. That the Comptroller General of the United States is hereby authorized and directed to cancel the charges against the postmasters, former and present, at Clinton, South Carolina, in the amount of \$111.46, representing a payment made to W. D. Peay, former assistant postmaster at Clinton, in compensation for accrued annual leave, such payment having been authorized by the Post Office Department but later disallowed by the General Accounting Office.

Clinton, S. C.  
Cancellation of charges against postmasters, former and present.

SEC. 3. That the Comptroller General of the United States is hereby authorized and directed to cancel the charge of \$160.87 against C. C. Ausherman, former postmaster at Fort Lauderdale, Florida, heretofore disallowed by the General Accounting Office, the amount representing overpayments to three village carriers in 1924 resulting from erroneous instructions given the postmaster by the Post Office Department.

C. C. Ausherman.  
Cancellation of charge against.

Approved, August 10, 1939.

## [CHAPTER 655]

## AN ACT

For the relief of George A. Meffan, United States marshal, district of Idaho.

August 10, 1939  
[H. R. 8607]

[Private, No. 232]

George A. Meffan.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George A. Meffan, United States marshal, district of Idaho, the sum of \$85.37 in full settlement of all claims against the United States for reimbursement of a deposit in the Treasury of the United States on account of disallowances by the Comptroller General in his official accounts for the period ended March 31, 1934, involving authorized payments in connection with depositions for the Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

## [CHAPTER 656]

## AN ACT

For the relief of Mrs. S. F. Sewell.

August 10, 1939  
[H. R. 8096]

[Private, No. 233]

Mrs. S. F. Sewell.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. S. F. Sewell, of Vienna, Georgia, the sum of \$5,000 for the death of S. F. Sewell, husband of Mrs. S. F. Sewell, in full satisfaction of all claims against the United States, sustained when S. F. Sewell, employed as bridge foreman by Dooly County in constructing a concrete culvert, was struck by a falling tree cut down by Works Progress Administration employees at a place known as Moccasin Branch on the Unadilla Hawkinsville Highway, on January 19, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

## [CHAPTER 657]

## AN ACT

To amend an Act entitled "An Act for the relief of the Playa de Flor Land and Improvement Company", approved May 21, 1934.

August 10, 1939  
[H. R. 7132]

[Private, No. 234]

Playa de Flor Land  
and Improvement  
Co., claim adjustment.  
48 Stat. 1361.

Evidence, etc., to  
be admitted.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act for the relief of the Playa de Flor Land and Improvement Company, approved May 21, 1934", be, and the same is hereby, amended by adding the following:

"SEC. 2. All competent testimony, exhibits, or other evidence heretofore admitted in evidence in any proceeding heretofore had under

authority of this Act and all competent testimony, exhibits, or other evidence heretofore admitted in evidence in the cases docketed in said court as numbers 1 and 3, and, respectively, entitled 'Playa de Flor Land and Improvement Company, a joint-stock corporation, Plaintiff vs. Eusebia Diaz, et al., and The Panama Railroad Company, a corporation, defendants', and 'The Panama Railroad Company, a corporation, Plaintiff vs. J. H. Stilson, W. Andrews, and C. P. Fairman, as the successors in interest and estate to Eufrasis C. De Villalobos, et al., defendants', shall be received in evidence for the same purpose as heretofore admitted in any suit brought or to be brought under authority of this Act, as amended: *Provided*, That such evidence shall be subject, however, to any objection that the United States may interpose as to relevancy, materiality, or competency other than the objection of the witnesses not being produced in person."

Approved, August 10, 1939.

*Proviso.*  
Relevancy, etc.

[CHAPTER 658]

AN ACT

To provide for the presentation of a medal to Reverend Francis X. Quinn in recognition of his valor in saving the lives of two of his fellow citizens.

August 10, 1939  
[H. R. 7386]

[Private, No. 235]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in recognition of the valor of Reverend Francis X. Quinn, pastor of the Church of the Guardian Angel, New York City, who risked his life by entering a room where an armed desperado held two elderly persons as hostages, and who by successfully disarming this criminal and saving the lives of two innocent persons distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of his duty, the Secretary of the Treasury is authorized and directed to cause to be struck, and the President is authorized to present to the said Reverend Francis X. Quinn, a gold medal of appropriate design with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury.

Rev. Francis X.  
Quinn.  
Presentation of gold  
medal to, authorized.

SEC. 2. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this Act.

Appropriation au-  
thorized.

Approved, August 10, 1939.

[CHAPTER 659]

JOINT RESOLUTION

Readmitting Mary Cohen Bienvenu to citizenship.

August 10, 1939  
[S. J. Res. 72]

[Priv. Res., No. 3]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Mary Cohen Bienvenu, a native citizen of the United States, born in Atlanta, Georgia, the daughter of John Sanford Cohen, a former Senator of the United States from the State of Georgia, who is alleged to have forfeited her citizenship by marriage with an alien in 1934, be, and she is hereby, on her own application unconditionally readmitted to the character and privileges of a citizen of the United States of America.

Mary Cohen Bien-  
venu.  
Readmission to citi-  
zenship.

Approved, August 10, 1939.



## [CHAPTER 668]

## AN ACT

August 10, 1939  
[H. R. 377]

[Private, No. 236]

Harry Bryan and  
Alda Duffield Mullins,  
and others.  
60 Stat. 1100.

Payments for hospi-  
tal, medical, and other  
expenses.

Proviso.  
Payments deemed  
in full settlement.

Maximum expendi-  
ture.

Time for filing claim.

Determination and  
certification of  
amount.

To amend the Act entitled "An Act for the relief of Harry Bryan and Alda Duffield Mullins, and others".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act for the relief of Harry Bryan and Alda Duffield Mullins, and others", approved August 28, 1937, is hereby amended by renumbering section 2 thereof as section 3, and by adding thereto the following section:

"Sec. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in accordance with such certifications as may be made by the Works Progress Administrator, or his duly authorized representative under this Act, claims for hospital, medical, and other reasonable expenses necessarily incurred by, in behalf, or at the request, of the claimants named in this Act as a result of the explosion that occurred in Gassaway, West Virginia, on November 7, 1936: *Provided*, That such payments as may be made hereunder shall be deemed to be in full settlement of all claims against the United States and against the claimants named in this Act for said expenses: *Provided further*, That the total amount that may be paid hereunder by the Secretary of the Treasury in settlement of said claims shall not exceed the sum of \$18,000. No claim, or part thereof, for expenses incurred after January 1, 1939, shall be considered, nor shall any claim be considered or paid under the provisions of this Act unless application therefor shall be filed with the Works Progress Administration by or on behalf of the person entitled to payment within six months from the date of approval of this Act. The Works Progress Administrator, or his duly authorized representative, shall determine the amount due on any application, and the person entitled thereto under the provisions of this Act, and shall certify such determinations to the Secretary of the Treasury for payment of the claims, which determination shall be final and conclusive upon the accounting officers of the Government."

Approved, August 10, 1939.

## [CHAPTER 669]

## AN ACT

August 10, 1939  
[H. R. 2452]

[Private, No. 237]

George Slade.  
Payments to.

For the relief of George Slade.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Slade of Norfolk, Virginia, out of any money in the Treasury not otherwise appropriated, the sum of \$500, and the additional sum of \$50 per month in an amount not to exceed \$4,000, in full settlement of all claims against the United States on account of permanent injuries sustained by him in Norfolk County, Virginia, on October 31, 1924, as a result of being shot and crippled for life by J. G. Griffin, an officer of the United States engaged in the enforcement of prohibition: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

Proviso.  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

## [CHAPTER 670]

## AN ACT

For the relief of G. W. Netterville.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. W. Netterville, of McComb, Mississippi, the sum of \$185, in full satisfaction of his claim against the United States for work done and money paid out for labor in the part construction of a home at the McComb, Mississippi, homestead project in 1934: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to, or received by, any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

August 10, 1939

[H. R. 2610]

[Private, No. 238]

G. W. Netterville.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 671]

## AN ACT

For the relief of Floyd Elton.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$400 to Floyd Elton, of Swanton, Ohio, in full settlement of all claims against the United States for personal injuries sustained by him and his daughter, Catherine Elton, as a result of being struck by a truck operated by an employee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

August 10, 1939

[H. R. 3853]

[Private, No. 239]

Floyd Elton.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

## [CHAPTER 672]

## AN ACT

For the relief of Emmitt Courtney.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. W. Courtney, father and natural guardian of Emmitt Courtney, a minor, of Johnson County, Arkansas, the sum of \$1,618, in full satisfaction of his claim against the United States for permanent personal injuries sustained by the said Emmitt Courtney on November 30, 1938, when struck by an automobile driven by C. O. Ising while on duty as an employee of the Department of Agriculture, assigned to the United States Forest Service, at Russellville, Arkansas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services ren-

August 10, 1939

[H. R. 4072]

[Private, No. 240]

Emmitt Courtney.  
Payment to guardian of.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

dered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

[CHAPTER 673]

AN ACT

For the relief of J. Milton Sweney.

August 10, 1939  
[H. R. 4260]  
[Private, No. 241]

J. Milton Sweney.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Milton Sweney, Shenandoah, Iowa, the sum of \$800.90. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said J. Milton Sweney as the result of personal injuries received on January 6, 1937, near Shenandoah, Iowa, when he was struck by a truck in the service of the Department of Agriculture: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

[CHAPTER 674]

AN ACT

For the relief of J. Harry Walker.

August 10, 1939  
[H. R. 4905]  
[Private, No. 242]

J. Harry Walker.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Harry Walker, of Poplar, Montana, the sum of \$1,000, in full satisfaction of his claims against the United States to November 27, 1937, for compensation for services rendered by him as an undertaker in the burial of Indians of the Fort Peck Agency and other reservations.

Approved, August 10, 1939.

[CHAPTER 675]

AN ACT

For the relief of Mr. and Mrs. John Eckendorff, and Mr. and Mrs. Alexander G. Dorr.

August 10, 1939  
[H. R. 5334]  
[Private, No. 243]

Mr. and Mrs. John Eckendorff and Mr. and Mrs. Alexander G. Dorr.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. John Eckendorff, of New Orleans, Louisiana, the sum of \$500, and to Mr. and Mrs. Alexander G. Dorr, of New Orleans, Louisiana, the sum of \$250. Said sums shall be in full settlement of all claims against the United States for injuries received by Mrs.

John Eckendorff and Mrs. Alexander G. Dorr, and expenses incident thereto, resulting from a collision between the car in which they were riding and a truck in the service of the Department of Agriculture, in New Orleans, Louisiana, on May 28, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 10, 1939.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

[CHAPTER 676]

AN ACT

To authorize cancelation of deportation in the case of Louise Wohl.

August 10, 1939  
[H. R. 6435]  
[Private, No. 244]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Labor is hereby authorized and directed to cancel the pending order and warrant of deportation issued in the case of Louise Wohl, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this Act, Louise Wohl shall not again be subject to deportation by reason of the same fact upon which the outstanding proceedings rest and shall be deemed to have been lawfully admitted to the United States for permanent residence as of June 21, 1929.

Louise Wohl.  
Cancelation of deportation order, etc.

Admittance deemed lawful.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Deduction from nonpreference category of quota during current year.

Approved, August 10, 1939.

[CHAPTER 677]

AN ACT

For the relief of W. R. Fuchs, former disbursing clerk, Department of Agriculture; J. L. Summers, former disbursing clerk; and G. F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department.

August 10, 1939  
[H. R. 6490]  
[Private, No. 245]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, notwithstanding the provisions of section 6 of the Classification Act of 1923 (42 Stat. 1490), as amended, the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of W. R. Fuchs, former disbursing clerk, Department of Agriculture; J. L. Summers, former disbursing clerk, now deceased; and G. F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department; in the sums of \$334.89, \$64.20, and \$77.66, respectively, for payments made to eight junior messengers who were appointed in the Agricultural Adjustment Administration at salaries in excess of the minimum of the classification grade during the period January 8, 1934, to April 2, 1934; and no amounts so paid and not heretofore recovered shall be charged against the payees on account of said payments.

W. R. Fuchs, J. L. Summers, and G. F. Allen.  
Credits allowed in accounts of.  
42 Stat. 1490.  
5 U. S. C. § 660.

Approved, August 10, 1939.

## [CHAPTER 678]

## AN ACT

For the relief of Benno von Mayrhauser and Oskar von Mayrhauser.

August 10, 1939  
[H. R. 6546]

[Private, No. 246]

Benno von Mayr-  
hauser and Oskar von  
Mayrhauser.  
Admittance for per-  
manent residence au-  
thorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Benno von Mayrhauser and Oskar von Mayrhauser, of Kiel, Germany, shall be admitted to the United States of America for permanent residence here, notwithstanding any provision of the immigration laws of the United States now in effect.*

Approved, August 10, 1939.

## [CHAPTER 679]

## AN ACT

For the relief of Stacy C. Mosser, receiver for the Great Northern Majestic Building Corporation.

August 10, 1939  
[H. R. 6728]

[Private, No. 247]

Great Northern Ma-  
jestic Building Cor-  
poration.  
Payment to re-  
ceiver.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stacy C. Mosser, receiver for the Great Northern Majestic Building Corporation, Chicago, Illinois, the sum of \$6,267.49. The payment of such sum shall be in full settlement of all claims against the United States by Stacy C. Mosser as receiver for the Great Northern Majestic Building Corporation arising out of the leasing of the Great Northern Theatre to Works Progress Administration, Federal theater project numbered 1, Cook County, Illinois, for use in connection with the official project numbered 894-310 during the period from December 18, 1938, to January 15, 1939. Such theater was leased under a license agreement signed by the agent cashier of Works Progress Administration, Federal theater project numbered 1, but payment has been denied on the ground that rent paid under a previous expired lease was paid without proper procedure or authority: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Approved, August 10, 1939.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

## [CHAPTER 680]

## AN ACT

For the relief of Sam E. Woods.

August 10, 1939  
[H. R. 6805]

[Private, No. 248]

Sam E. Woods.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sam E. Woods, American Commercial Attaché, Berlin, Germany, the sum of \$278.50, in full settlement of all claims against the Government of the United States for expenses incurred for ocean transportation and per diem while on board vessel in connection with official travel from Prague, Czechoslovakia, to Washington, District of Columbia, during the period February 8 to February 17, 1934, in accordance with*

cable instructions dated February 3, 1934, from the Director of the Bureau of Foreign and Domestic Commerce, the ocean portion of said travel having been performed on a vessel of foreign registry: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 10, 1939.

[CHAPTER 681]

AN ACT

For the relief of Matilda Larned Bouck.

August 10, 1939

[H. R. 6808]

[Private, No. 249]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Matilda Larned Bouck, of Middleburg, New York, the sum of \$1,000, in full settlement of all claims against the United States for property damage and personal injuries received by her while riding in automobile driven and owned by Edwin L. Wade, of Schenectady, New York, and which automobile was forced from the Middleburg-Schoharie Highway near Schoharie, New York, on December 3, 1935, by a truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Matilda Larned Bouck.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 10, 1939.

[CHAPTER 683]

AN ACT

For the relief of John L. Summers, former disbursing clerk, Treasury Department, and for other purposes.

August 10, 1939

[H. R. 7049]

[Private, No. 250]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow in the accounts of John L. Summers, former disbursing clerk, now deceased, Treasury Department, sums aggregating not to exceed \$827.14 disallowed in his accounts, without raising charges against the officers who certified the vouchers for payment, covering payments made by him in the period from December 1933 to June 30, 1934; and in the accounts of Guy F. Allen, chief disbursing officer, sums aggregating not to exceed \$3,352.60 disallowed in his accounts, without raising charges against the officers who certified the vouchers for payment, covering payments made by him in the period from July 1, 1934, to December 31, 1935.

John L. Summers (deceased).  
Adjustment in accounts.

Guy F. Allen.  
Adjustment in accounts.

SEC. 2. The Comptroller General of the United States is authorized and directed to allow in the accounts of Frank White, H. T.

Frank White and others.  
Adjustment in accounts.

*Proviso.*  
Use of recoveries to  
offset items of similar  
character.

Treasurer of United  
States.  
Sum appropriated  
to cover losses in office  
of.

Adjustment of ac-  
counts relating to the  
public debt.

Adjustment in na-  
tional bank note cur-  
rency accounts.

26 Stat. 289.  
12 U. S. C. § 122.

Tate, W. O. Woods, and W. A. Julian sums of not to exceed \$16,063.37, \$3,231.17, \$72,822.49, and \$449,160.05, respectively, representing unavailable items in their accounts as former Treasurers and Treasurer of the United States: *Provided*, That any recoveries heretofore or hereafter made in respect of any of the foregoing items may, in the discretion of the Comptroller General of the United States, be applied to offset unavailable items of a similar character hereafter arising in the accounts of the former Treasurers and Treasurer to whose account the recovery pertains, upon a showing that such unavailable items have occurred without fault or negligence on the part of said former Treasurers and Treasurer.

SEC. 3. The sum of \$1,811.40 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to cover losses in the office of the Treasurer of the United States due to payment of checks on forged signature of the drawer, or for raised amounts, or on forged endorsements of the payees.

SEC. 4. For the purpose of adjusting the accounts relating to the public debt of the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$576,340.23. Of this sum, the amount of \$542,103.11, or so much thereof as may be necessary, shall be deposited by the Secretary of the Treasury in the accounts of the Treasurer of the United States as public-debt receipts and the amount of \$34,237.12, or so much thereof as may be necessary, shall be credited by the Secretary of the Treasury to the proper accounts to adjust overissues and over-redemptions of principal of public-debt securities and overpayments of interest on public-debt securities.

SEC. 5. The Secretary of the Treasury be, and he is hereby, authorized and directed to adjust discrepancies in certain national bank note currency accounts in the Office of the Comptroller of the Currency, covering the years 1934 and 1935, in the amount of \$1,290, and the Treasurer of the United States is authorized and directed to charge the sum of \$1,290 against his general account with corresponding credit therein to the fund for retirement of national bank notes established by the Act of July 14, 1890 (26 Stat. 289; U. S. C., title 12, sec. 122).

Approved, August 10, 1939.

## [CHAPTER 702]

### AN ACT

For the relief of Mato, Miljenko, Bozo, and Augustin Cibilic, or Zibilich.

August 11, 1939  
[S. 796]

[Private, No. 261]

Mato, Miljenko,  
Bozo, and Augustin  
Cibilic, or Zibilich.

Cancellation of de-  
portation order, etc.

Admission deemed  
lawful.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Mato, Miljenko, Bozo, and Augustin Cibilic, or Zibilich, heretofore issued on the ground that admission to the United States has been fraudulently gained and that they shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at New Orleans, Louisiana.

Approved, August 11, 1939.

## [CHAPTER 703]

## AN ACT

For the relief of Emil Friedrich Dischleit.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws Emil Friedrich Dischleit, of Meriden, Connecticut, shall be held and considered to have been legally admitted to the United States for permanent residence on August 21, 1931.

SEC. 2. From and after the date of the approval of this Act Emil Friedrich Dischleit shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest.

Approved, August 11, 1939.

August 11, 1939

[S. 1269]

[Private, No. 262]

Emil Friedrich Dischleit.  
Admission deemed lawful.

Not deportable on same grounds.

## [CHAPTER 704]

## AN ACT

For the relief of Konstantinos Dionysiou Antiohos (or Gus Pappas).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws, the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Konstantinos Dionysiou Antiohos (or Gus Pappas) and that from and after the approval of this Act he shall be deemed to have been lawfully admitted to the United States for permanent residence.

Approved, August 11, 1939.

August 11, 1939

[S. 1538]

[Private, No. 253]

Konstantinos Dionysiou Antiohos.  
Cancellation of order of deportation, etc.

Admission deemed lawful.

## [CHAPTER 705]

## AN ACT

For the relief of William E. Cowen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William E. Cowen, of Washington, District of Columbia, an employee of the custodian's office, Senate Office Building, the sum of \$265, in full settlement of his claim against the United States for medical and hospital expenses incurred as a result of injuries sustained on April 29, 1937, when his left foot was crushed between the loading platform and the subway car: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 11, 1939.

August 11, 1939

[S. 1823]

[Private, No. 254]

William E. Cowen.  
Payment to.

*Proviso*  
Limitation on attorney's, etc., fees.

Penalty for violation.



## [CHAPTER 706]

## AN ACT

For the relief of N. F. Clower and Elijah Williams.

August 11, 1939

[S. 2056]

[Private, No. 265]

N. F. Clower.  
Reconveyance of  
real estate to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury, for and on behalf of the United States of America, be, and he is hereby, authorized and directed to execute to N. F. Clower, of Shelby County, Tennessee, a quitclaim deed conveying any right, title, and interest of the United States of America in the following-described real estate lying and being in Shelby County, Tennessee, and particularly described as follows:

## Description.

Being in the second civil district of said county and State, to wit: Twenty-seven and six one-hundredths acres of land bounded on the north by the lands of White; on the east by the lands of Fields; on the south by the lands of Weaver; and on the west by the lands of Ensley or Barrett; and lots 9, 11, 12, and 13 in Clower's subdivision in Shelby County, State of Tennessee, which subdivision was made in January A. D. 1925; said lots are bounded on the north by the lands of N. F. Clower; on the east by the lands of Williams and Birdie Rice; on the south by Mitchell Avenue, and on the west by the Macedonia Missionary Baptist Church lands; said lots 9, 11, 12, and 13 are in block 2 of said subdivision; together with the hereditaments and appurtenances thereunto belonging.

Elijah Williams.  
Reconveyance of  
real estate to.

## Description.

SEC. 2. That the Secretary of the Treasury, for and on behalf of the United States of America, be, and he is hereby, authorized and directed to execute to Elijah Williams of Shelby County, Tennessee, a quitclaim deed conveying any right, title, and interest of the United States of America in the following-described real estate lying and being in the second civil district, county of Shelby, and State of Tennessee, to wit: Lot 42, block 1, of W. O. Crump's Warford Avenue subdivision, as shown in plat book 8, at page 205, of the register's office for the county of Shelby in the State of Tennessee, said land beginning on the north side of Calvert Avenue at the northwest corner of Branch Street forty feet; thence north parallel with Branch Street one hundred and twenty-five feet; thence east parallel with Calvert Avenue forty feet to the west side of Branch Street; thence south with said west line one hundred and twenty-five feet to the beginning, together with the hereditaments and appurtenances thereunto belonging.

Clerk of district  
court to satisfy of rec-  
ord judgment as sure-  
ties for Robert Rhone.

SEC. 3. That the clerk of the United States District Court for the Western District of Tennessee, at Memphis, is hereby authorized and directed to satisfy of record the judgment obtained by the United States of America against N. F. Clower and Elijah Williams, as sureties on the forfeited bail bond of Robert Rhone, who was charged with violation of the United States Internal Revenue Act and who failed to appear as required by law but who subsequent to the first setting of his trial and within the same term of court, made his appearance, stood trial July 21, 1937, was convicted, sentenced, and has served his time and been discharged: *Provided, however,* That as a condition precedent to the reconveyance of the property and the satisfaction of the judgment the claimants pay to the United States their proportionate share of the sum of \$167.96, said sum representing costs and expenses incurred by the Government.

Proviso.  
Payment of Federal  
costs, etc.

Approved, August 11, 1939.

## [CHAPTER 707]

## AN ACT

To confer jurisdiction on the District Court of the United States for the Western District of Missouri to hear, determine, and render judgment upon the claims of certain claimants who suffered loss by flood at or near Bean Lake in Platte County, and Sugar Lake in Buchanan County, in the State of Missouri, during the month of March 1934.

August 11, 1939  
[H. R. 1693]

[Private, No. 206]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the lapse of time or any provisions of law to the contrary jurisdiction is hereby conferred upon the District Court of the United States for the Western District of Missouri to hear, determine, and render judgment without interest, but with costs, under and in accordance with the same provisions of law as if the United States were a private party upon the claims of the following-named people or their heirs, representatives, administrators, executors, successors, or assigns: G. M. McCrary, Paul N. Shouse, Emma Shults, Mrs. C. E. Johnson, Mrs. A. H. Wilber, G. E. Hutson, Elmer Willis, Ethel McDuff, W. J. Huter, W. C. Hood, J. P. Kuhnert, Florence O. Saunders, E. Cobb, James D. Kelly, W. H. Myers, Dora Weldin, Frank Dougherty, M. H. Whitnah, Charles C. Myers, H. A. Whitnah, W. F. Reese, George Willis, N. D. Gasaway, Paul Johnson, Harry Turpin, John H. Chapin, J. D. Fraizer, C. W. Pierson, L. K. Poos, Lula A. Jegglin, Mrs. E. T. Graham, A. F. Russell, E. O. Keene, H. F. Chapin, Goldie Noland, Mrs. Goldie Noland, B. F. Kabel, Oscar Swearinger, Argyle Reese, S. O. Daniels, Belle Wagner, and W. D. Shreve. Said claims arise out of a flood allegedly resulting from the defective or improper placing and construction of dikes or revetments in the Missouri River by the War Department of the United States, at or near Bean Lake in Platte County, and Sugar Lake in Buchanan County, in the State of Missouri, in the month of March 1934. Suit hereunder may be instituted at any time within one year from the date of the enactment of this Act, and proceedings therein, appeals therefrom, and payment of judgment thereon, if any, shall be had in the same manner as in the case of claims over which such court has jurisdiction under the provisions of the Judicial Code.

Bean Lake and  
Sugar Lake, Mo.  
Designated claims  
for flood damages re-  
ferred to district court.

Institution of suit,  
etc.

Duty of district at-  
torney.

Appropriation au-  
thorized for payment  
of judgment.

SEC. 2. The United States district attorney for the western district of Missouri is hereby charged with the duty of defending the United States in any suit instituted under the authority of this Act.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay judgments under this Act. Such amounts shall be paid by the Secretary of the Treasury when the judgment of the district court has become final and on presentation to the Secretary of a duly authenticated copy of the judgment. Such payment shall be in full settlement of all claims against the United States on account of claims arising out of such flood damage.

Approved, August 11, 1939.

## [CHAPTER 708]

## AN ACT

For the relief of Thomas J. Smith.

August 11, 1939  
[H. R. 2440]

[Private, No. 257]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Thomas J. Smith, of Mankato, Kansas, is hereby relieved of the charge against him in the amount of \$69, representing the amount paid to him by the United States as an employee of the Soil Conservation Service,

Thomas J. Smith.  
Release of certain  
charge against.

Department of Agriculture, for per diem in lieu of subsistence, at the rate of \$3 per day for the period March 22 to April 15, 1936, in connection with travel incident to change of duty station from Man-kato to Salina, Kansas, and while at Salina.

Approved, August 11, 1939.

[CHAPTER 709]

AN ACT

For the relief of the Columbus Iron Works Company.

August 11, 1939

[H. R. 3689]

[Private, No. 256]

Columbus Iron  
Works Co.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Columbus Iron Works Company, Columbus, Georgia, the sum of \$426.27, in full satisfaction of its claim against the United States for furnishing a quantity of cast-steel fittings to the War Department, United States Engineers Office, at Batesville, Mississippi, under unnumbered contract, dated December 2, 1937, and purchase order numbered 10714, of the same date, issued pursuant thereto (General Accounting Office claim numbered 0416015), covering the loss sustained through its clerical error in submitting bid on cast-iron fittings on lot numbered 2 of invitation numbered 1106-38-110 instead of on cast-steel fittings which the Columbus Iron Works Company was required to furnish: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 11, 1939.

[CHAPTER 710]

AN ACT

For the relief of Caryl Burbank, Preston A. Stanford, and Fire Association of Philadelphia.

August 11, 1939

[H. R. 5350]

[Private, No. 259]

Caryl Burbank.  
Payment to.

Preston A. Stan-  
ford.  
Payment to.  
Fire Association of  
Philadelphia, Phila-  
delphia, Pa.  
Payment to.

*Provisos.*  
Condition preced-  
ent to payments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$197.30 to Caryl Burbank, of Washington, District of Columbia, the sum of \$55 to Preston A. Stanford, of Washington, District of Columbia, and the sum of \$253.79 to the Fire Association of Philadelphia, of Philadelphia, Pennsylvania, in full settlement of their claims against the United States for property damages occasioned on October 3, 1938, in the city of Washington, District of Columbia, when an automobile in which an injured Works Progress Administration employee was being transported to a hospital collided with an automobile owned and operated by Preston A. Stanford, and insured by the Fire Association of Philadelphia, causing it, in turn, to strike an automobile owned and operated by Caryl Burbank: *Provided*, That, as a condition precedent to the payments directed herein, each claimant shall execute an instrument releasing William A. Farr, owner and operator of the vehicle transporting the injured Works

Progress Administration employee, from liability for the damages occasioned to their respective automobiles and other property: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 11, 1939.

# [CHAPTER 711]

## AN ACT

To pay salary of Ruth Dornsife.

August 11, 1939  
[H. R. 8491]

[Private, No. 200]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$104.83 to Ruth Dornsife, Toledo, Ohio, in full settlement of all claims against the United States for annual leave not granted her while she was in the employ of the Farm Security Administration, from December 16, 1935, to August 10, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Ruth Dornsife.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty for violation.

Approved, August 11, 1939.

# [CHAPTER 712]

## AN ACT

For the relief of Mrs. Virgie B. Weaver.

August 11, 1939  
[H. R. 8515]

[Private, No. 261]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Mrs. Virgie B. Weaver, Waco, Texas, a former employee of the United States of America at Camp McArthur, Texas, and the United States Employees' Compensation Commission is authorized to receive and consider her claim, under the remaining provisions of said Act, for injury and disability alleged to have been sustained in the latter part of 1917 or the early part of 1918 as a result of her employment in such capacity: *Provided*, That claim hereunder shall be filed within ninety days from the approval of this Act: *Provided further*, That no benefits shall accrue prior to the approval of this Act.

Mrs. Virgie B. Weaver.  
Provisions of Employees' Compensation Act extended to.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
Time for filing claim.

No prior benefits.

Approved, August 11, 1939.

## [CHAPTER 713]

## AN ACT

August 11, 1939

[H. R. 5704]

[Private, No. 262]

To amend Private Law Numbered 310, Seventy-fifth Congress, first session, an Act for the relief of D. E. Sweinhart.

D. E. Sweinhart.  
Payment to estate  
of.  
50 Stat. 1064.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Private Law Numbered 310, Seventy-fifth Congress, first session, an Act for the relief of D. E. Sweinhart, be, and it hereby is, amended as follows:

In section 1, after the words "pay to" and immediately preceding the words "D. E. Sweinhart", insert "Ernest D. Sweinhart, of Albuquerque, New Mexico, administrator of the estate of".

Approved, August 11, 1939.

## [CHAPTER 714]

## AN ACT

August 11, 1939

[H. R. 5857]

[Private, No. 263]

To amend Private Act Numbered 286, approved June 18, 1934, entitled "An Act for the relief of Carleton-Mace Engineering Corporation."

Carleton-Mace En-  
gineering Corp.  
48 Stat. 1407.  
Settlement of claim  
for extra cost on con-  
tract.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Private Act Numbered 286, approved June 18, 1934, entitled "An Act for the relief of Carleton-Mace Engineering Corporation", be, and the same is hereby, amended by inserting the word "primarily" after the word "occasioned" and before the word "by"; by repealing the word "the" appearing after the word "preventing" and before the word "completion" and inserting in lieu thereof the words "orderly prosecution and"; by repealing the phrase "such amount, not exceeding"; by repealing the provision "as the Comptroller General may find from the facts and the evidence submitted to him to be the actual amount of the extra cost occasioned by the said embargo" and inserting in lieu thereof the following, "as found and determined by a Navy Board on June 9, 1920"; and by repealing the phrase "or so much thereof as may be necessary,".

Approved, August 11, 1939.

## [CHAPTER 715]

## AN ACT

August 11, 1939

[H. R. 6492]

[Private, No. 264]

For the relief of John L. Hicks, rural rehabilitation supervisor, Farm Security Administration, Department of Agriculture, Santa Rosa, New Mexico.

John L. Hicks.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$77.50 to John L. Hicks, rural rehabilitation supervisor, Farm Security Administration, Department of Agriculture, Santa Rosa, New Mexico, to compensate him for the amount expended by him in satisfying the judgment rendered in the Fourth Judicial District Court, New Mexico, in the case of Luis Gutierrez, plaintiff, against John L. Hicks, defendant (numbered 2615), arising from said John L. Hicks' repossession, in good faith and upon reasonable cause, of certain horses mistakenly supposed to have been mortgaged to the former Resettlement Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 11, 1939.

Proviso.  
Limitation on attor-  
ney's, etc., fees.

Penalty for viola-  
tion.

# CONCURRENT RESOLUTIONS



# CONCURRENT RESOLUTIONS

## FIRST SESSION, SEVENTY-SIXTH CONGRESS

### JOINT MEETING

January 4, 1939

[H. Con. Res. 3]

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 4th day of January 1939, at 1 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed, January 4, 1939.

Joint meeting of the two Houses to receive communications from the President.

### SESQUICENTENNIAL OF FIRST CONGRESS UNDER THE CONSTITUTION

February 1, 1939

[H. Con. Res. 4]

*Resolved by the House of Representatives (the Senate concurring),* That in commemoration of the one hundred fiftieth anniversary of the First Congress of the United States under the Constitution, begun and held at the city of New York on Wednesday, the 4th of March 1789, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 11 o'clock antemeridian, on Saturday, March 4, 1939.

That a joint committee consisting of five Members of the House of Representatives and five Members of the Senate shall be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively, which is empowered to make suitable arrangements for fitting and proper exercises for the joint session of Congress herein authorized.

That invitations to attend the exercises be extended to the President of the United States and the Members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Staff of the Army, the Chief of Naval Operations, the Major General Commandant of the Marine Corps, and the Commandant of the Coast Guard, and such other persons as the joint committee on arrangements shall deem proper.

That the President of the United States is hereby invited to address the American people at the joint session of the Congress in commemoration of the one hundred fiftieth anniversary of the First Congress of the United States under the Constitution.

Passed, February 1, 1939.

Sesquicentennial of First Congress under the Constitution.  
Joint session in commemoration of, ordered.  
*Post*, p. 1550.

Joint committee on arrangements.

Designated invitations to be issued.

President invited to make an address.



February 1, 1939  
[H. Con. Res. 8]

## "INVESTIGATION OF UN-AMERICAN ACTIVITIES AND PROPAGANDA"

"Investigation of  
Un-American Activi-  
ties and Propaganda."  
Additional copies of  
House Report on, or-  
dered printed.  
*Post*, p. 1592.

*Resolved by the House of Representatives (the Senate concurring),*  
That there be printed twenty-five thousand additional copies of House Report Numbered 2, current Congress, entitled "Investigation of Un-American Activities and Propaganda", of which three thousand copies shall be for the use of the Senate document room, and twenty-two thousand copies shall be for the use of the House document room.

Passed, February 1, 1939.

February 16, 1939  
[H. Con. Res. 8]

## SESQUICENTENNIAL OF FIRST CONGRESS UNDER THE CONSTITUTION

Sesquicentennial of  
First Congress under  
the Constitution.  
Hour of holding  
joint session in com-  
memoration of.  
*Ante*, p. 1549.

*Resolved by the House of Representatives (the Senate concurring),*  
That the first paragraph of House Concurrent Resolution 4 of the Seventy-sixth Congress is hereby amended to read as follows: "That in commemoration of the one hundred fiftieth anniversary of the First Congress of the United States under the Constitution, begun and held at the city of New York on Wednesday, the 4th of March 1789, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock meridian, on Saturday, March 4, 1939."

Passed, February 16, 1939.

March 16, 1939  
[H. Con. Res. 12]

## SESQUICENTENNIAL OF FIRST CONGRESS UNDER THE CONSTITUTION

Sesquicentennial of  
First Congress under  
the Constitution.  
Proceedings in com-  
memoration of, ordered  
printed.  
*Ante*, p. 1549.

*Resolved by the House of Representatives (the Senate concurring),*  
That the proceedings at the joint session of the two Houses of Congress held in the House of Representatives on Saturday, March 4, 1939, in commemoration of the one hundred and fiftieth anniversary of the commencement of the First Congress of the United States under the Constitution, together with such additional matter as the Joint Committee on Arrangements in charge of these ceremonies may deem fitting and appropriate, in connection with this historical event, be printed, with illustrations, as a document; and that one million additional copies be printed, of which two hundred thousand copies shall be for the use of the Senate and eight hundred thousand copies for the use of the House of Representatives.

Passed, March 16, 1939.

March 31, 1939  
[H. Con. Res. 11]

## JOINT COMMITTEE ON FORESTRY

Joint Committee on  
Forestry.  
Continuance of, au-  
thorized.

*Resolved by the House of Representatives (the Senate concurring),*  
That the special joint committee, which was authorized and directed to study and make investigation of the present and prospective situation with respect to the forest land of the United States, its condition, ownership, and management, as it affects a balanced timber budget, watershed protection, flood control, and the other commodities and social economic benefits which may be derived from such land, be authorized to continue the investigation begun under S. Con. Res. 31 of the Seventy-fifth Congress and for such purposes said

committee shall have the same power and authority as were conferred upon it by S. Con. Res. 31 of the Seventy-fifth Congress, and shall report to the Congress as soon as practicable, and not later than April 1, 1940, the results of its investigation together with its recommendation for necessary legislation.

Report; time limitation.

Passed, March 31, 1939.

#### STATUE OF WILL ROGERS

April 3, 1939

[S. Con. Res. 1]

*Resolved by the Senate (the House of Representatives concurring),* That the Will Rogers Memorial Commission be, and it is hereby, authorized to place temporarily in the rotunda of the Capitol a statue of the late Will Rogers, of Oklahoma, and to hold ceremonies in the rotunda on said occasion; and that the Architect of the Capitol be, and he is hereby, authorized to make the necessary arrangements therefor.

Statue of Will Rogers.  
Temporary placement and incidental ceremonies in Capitol rotunda, authorized.  
*Post*, pp. 1554, 1555.

Passed, April 3, 1939.

#### TEMPORARY NATIONAL ECONOMIC COMMITTEE

April 5, 1939

[S. Con. Res. 3]

*Resolved by the Senate (the House of Representatives concurring),* That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Temporary National Economic Committee of the Congress be, and is hereby, empowered to procure the printing of five thousand additional copies of part 1 and each subsequent part of the hearings held before the said committee, who are directed by Public Resolution Numbered 113, approved June 16, 1938, to make a full and complete study and investigation with respect to the concentration of economic power in, and financial control over, production and distribution of goods and services.

Temporary National Economic Committee.  
Additional copies of hearings before, ordered printed.  
34 Stat. 1012.  
44 U. S. C. § 154.  
52 Stat. 705.

Passed, April 5, 1939.

#### AUXILIARY VESSELS FOR THE NAVY

April 20, 1939

[S. Con. Res. 14]

*Resolved by the Senate (the House of Representatives concurring),* That the President of the United States be, and he is hereby, requested to return to the Senate the enrolled bill (S. 828) to permit the President to acquire and convert, as well as to construct, certain auxiliary vessels for the Navy; that if and when the said bill is returned by the President, the action of the Speaker of the House of Representatives and of the Vice President in signing the said bill be deemed to be rescinded; and that the Secretary of the Senate be, and he is hereby, authorized and directed, in the reenrollment of the said bill, to make the following correction, viz: On page 2, line 25, of the engrossed bill, strike out the figures "769" and insert in lieu thereof "768".

Auxiliary vessels for the Navy.  
Return of bill (S. 828) requested.

Cancellation of signatures and correction in reenrollment, directed.

*Ante*, p. 619.

Passed, April 20, 1939.

May 3, 1939  
[S. Con. Res. 6]

SPECIAL COMMITTEE ON TAXATION OF GOVERNMENTAL SECURITIES AND SALARIES, SENATE

Special Senate Committee on Taxation of Governmental Securities and Salaries.  
Additional copies of hearings before, ordered printed.  
84 Stat. 1012.  
44 U. S. C. § 154.

*Resolved by the Senate (the House of Representatives concurring),* That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Special Committee on Taxation of Governmental Securities and Salaries of the Senate be, and is hereby, authorized and empowered to have printed for its use one thousand additional copies of the hearings held before said committee during the current session on the resolution (S. Res. 303, Seventy-fifth Congress) establishing a special Committee on the Taxation of Governmental Securities and Salaries.

Passed, May 3, 1939.

May 9, 1939  
[S. Con. Res. 7]

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority.  
Additional copies of hearings before special congressional investigating committee, ordered printed.  
34 Stat. 1012.  
44 U. S. C. § 154.  
52 Stat. 154.

*Resolved by the Senate (the House of Representatives concurring),* That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the special joint congressional committee of the Congress appointed pursuant to Public Resolution Numbered 83, approved April 4, 1938, to make a full and complete investigation of the administration of the Tennessee Valley Authority Act of 1933, as amended, be, and is hereby, empowered to procure the printing of one thousand additional copies of the hearings held before the said committee during its investigation.

Passed, May 9, 1939.

May 9, 1939  
[S. Con. Res. 9]

"REPORT OF THE JOINT COMMITTEE OF CONGRESS APPOINTED TO INVESTIGATE THE TENNESSEE VALLEY AUTHORITY"

"Report of the Joint Committee of Congress Appointed to Investigate the Tennessee Valley Authority."  
Additional copies of, ordered printed.

*Resolved by the Senate (the House of Representatives concurring),* That there be printed three thousand additional copies of Senate Document Numbered 56, current session, entitled "Report of the Joint Committee of Congress Appointed to Investigate the Tennessee Valley Authority", which was submitted to the Congress on March 31, 1939, of which one thousand copies shall be for the use of the Senate document room, and two thousand copies for the use of the House document room.

Passed, May 9, 1939.

May 10, 1939  
[H. Con. Res. 16]

"INVESTIGATION OF UN-AMERICAN ACTIVITIES AND PROPAGANDA"

"Investigation of Un-American Activities and Propaganda."  
Additional copies of House Report on, ordered printed.  
Aniz, p. 1550.

*Resolved by the House of Representatives (the Senate concurring),* That there be printed twenty-five thousand additional copies of House Report Numbered 2, current Congress, entitled "Investigation of Un-American Activities and Propaganda", of which three thousand copies shall be for the use of the Senate document room, and twenty-two thousand copies shall be for the use of the House document room.

Passed, May 10, 1939.

VISIT OF THE KING AND QUEEN OF GREAT BRITAIN AND PARTY TO THE  
CAPITOLMay 23, 1939  
[S. Con. Res. 17]

*Resolved by the Senate (the House of Representatives concurring),* That the two Houses of Congress shall assemble in their respective Houses on Friday, June 9, 1939, at 10:30 o'clock antemeridian, and thereafter, in recess, the Members of each House shall proceed informally to the rotunda of the Capitol at 11 o'clock antemeridian, for the purpose of welcoming Their Majesties the King and Queen of Great Britain, and the members of their party, on the occasion of their visit to the Capitol, and at the conclusion of such ceremonies the two Houses shall reassemble in their respective Chambers.

Visit of the King and Queen of Great Britain and party to the Capitol.  
Ceremonies for welcoming Their Majesties, Friday, June 9, 1939, ordered.

That a joint committee consisting of three Members of the Senate, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, is hereby authorized to make the necessary arrangements for carrying out the purpose of this concurrent resolution.

Joint committee on arrangements.

Passed, May 23, 1939.

## SOCIAL SECURITY ACT AMENDMENTS OF 1939

May 24, 1939  
[H. Con. Res. 25]

*Resolved by the House of Representatives (the Senate concurring),* That, in accordance with paragraph 3, section 2, of the Printing Act, approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use five thousand additional copies of the hearings held before said committee during the current session on the bill entitled "Social Security Act Amendments of 1939."

Social Security Act Amendments of 1939.  
Additional copies of hearings on bill ordered printed.  
34 Stat. 1012.  
44 U. S. C. § 154.  
Ante, p. 1380.

Passed, May 24, 1939.

## JOINT COMMITTEE ON FORESTRY

May 29, 1939  
[H. Con. Res. 23]

*Resolved by the House of Representatives (the Senate concurring),* That the limit of expenditures under S. Con. Res. 31, Seventy-fifth Congress (providing for the establishment of a Joint Committee on Forestry), is hereby increased by \$7,000, of which one-half shall be payable from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the committee.

Joint Committee on Forestry.  
Limit of expenditure by, increased.  
52 Stat. 1452.  
Ante, p. 1550.  
Division of.

Passed, May 29, 1939.

RECEPTION OF THE KING AND QUEEN OF GREAT BRITAIN IN THE  
ROTUNDA OF THE CAPITOLJune 13, 1939  
[S. Con. Res. 20]

*Resolved by the Senate (the House of Representatives concurring),* That the expenses incurred by the joint committee appointed pursuant to S. Con. Res. 17, Seventy-sixth Congress, to arrange for the reception of Their Majesties the King and Queen of Great Britain in the rotunda of the Capitol on June 9, 1939, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

Reception of the King and Queen of Great Britain.  
Expenses of joint committee on arrangements ordered paid.  
Division of.

Passed, June 13, 1939.

June 13, 1939

[H. Con. Res. 28]

Works Progress Administration.

Additional copies of hearings before House investigating subcommittee ordered printed.

34 Stat. 1012.

44 U. S. C. § 154.

## WORKS PROGRESS ADMINISTRATION

*Resolved by the House of Representatives (the Senate concurring),* That, in accordance with paragraph 3, of section 2, of the Printing Act approved March 1, 1907, the Committee on Appropriations of the House of Representatives is hereby authorized and empowered to have printed, with illustrations, for its use two thousand additional copies of each part of the hearings held before a subcommittee of said committee, during the current session, pursuant to the resolution (H. Res. 130) directing the Committee on Appropriations to make an investigation and study of the Works Progress Administration as a basis for legislation.

Passed, June 13, 1939.

June 19, 1939

[S. Con. Res. 21]

Statue of Will Rogers.

Acceptance and thanks of Congress to Oklahoma for.

Ante, p. 1551; post, p. 1555.

Copy of resolutions to Governor.

## STATUE OF WILL ROGERS

*Resolved by the Senate (the House of Representatives concurring),* That the statue of Will Rogers, presented by the State of Oklahoma, now in the Capitol Building, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

*Resolved,* That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Oklahoma.

Passed, June 19, 1939.

June 20, 1939

[S. Con. Res. 19]

Transcontinental toll roads.

Additional copies of report on, ordered printed.

Distribution.

## TRANSCONTINENTAL TOLL ROADS

*Resolved by the Senate (the House of Representatives concurring),* That there be printed sixteen thousand additional copies of House Document Numbered 272, entitled "Message From the President of the United States Transmitting a Report of the Bureau of Public Roads on the Feasibility of a System of Transcontinental Toll Roads and a Master Plan for Free Highway Development" of which five thousand copies shall be for the use of the Senate Committee on Post Offices and Post Roads; one thousand copies for the Senate document room; nine thousand copies for the use of the House Committee on Roads and one thousand copies for the House document room.

Passed, June 20, 1939.

June 30, 1939

[S. Con. Res. 22]

Army of the United States.

Descriptive manuscript ordered printed.

Distribution.

## ARMY OF THE UNITED STATES

*Resolved by the Senate (the House of Representatives concurring),* That the manuscript submitted to the Senate by Senator Morris Sheppard on June 7, 1939, and referred to the Committee on Printing, containing a general description of the Army of the United States, its components, its arms, services, and bureaus, its military and non-military activities, be printed, with illustrations, as a public document; and that ten thousand seven hundred additional copies shall be printed, with illustrations, and bound, as may be directed by the Joint Committee on Printing, of which two thousand five hundred copies shall be for the use of the Senate and eight thousand copies for the use of the House of Representatives, and one hundred copies to each of the Committees on Military Affairs of the two Houses of Congress.

Passed, June 30, 1939.

"SURVEY OF EXPERIENCES IN PROFIT SHARING AND POSSIBILITIES OF  
INCENTIVE TAXATION"

July 13, 1939  
[S. Con. Res. 24]

*Resolved by the Senate (the House of Representatives concurring),* That there be printed twelve thousand additional copies of Senate Report Numbered 610, a report of a subcommittee of the Committee on Finance submitted pursuant to S. Res. 215 (Seventy-fifth Congress), entitled "Survey of Experiences in Profit Sharing and Possibilities of Incentive Taxation", of which one thousand copies shall be for the use of the Senate document room, ten thousand copies for the use of the Senate Committee on Finance, and one thousand copies for the House document room.

Passed, July 13, 1939.

"Survey of Experiences in Profit Sharing and Possibilities of Incentive Taxation."  
Additional copies ordered printed.  
Distribution.

PROFIT-SHARING SYSTEMS

July 13, 1939  
[S. Con. Res. 25]

*Resolved by the Senate (the House of Representatives concurring),* That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, authorized and empowered to have printed for its use ten thousand additional copies of the hearings held before a subcommittee of said committee during the Seventy-fifth Congress pursuant to the resolution (S. Res. 215) providing for an investigation of existing profit-sharing systems between employers and employees in the United States.

Passed, July 13, 1939.

Profit-sharing systems.  
Additional copies of hearings relative to, ordered printed.  
34 Stat. 1012.  
44 U. S. C. § 154.

BILL ENTITLED "TRANSPORTATION ACT OF 1939"

July 13, 1939  
[S. Con. Res. 26]

*Resolved by the Senate (the House of Representatives concurring),* That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Interstate Commerce of the Senate be, and is hereby, authorized and empowered to have printed for its use one thousand additional copies of the hearings held before said committee during the current session on the bill (S. 2009) entitled "Transportation Act of 1939".

Passed, July 13, 1939.

"Transportation Act of 1939."  
Additional copies of hearings ordered printed.  
34 Stat. 1012.  
44 U. S. C. § 154.

STATUE OF WILL ROGERS

July 17, 1939  
[H. Con. Res. 20]

*Resolved by the House of Representatives (the Senate concurring),* That there be printed with illustrations and bound, in such form and style as may be directed by the Joint Committee on Printing, the proceedings in Congress at the unveiling in the rotunda, together with such other matter as the joint committee may deem pertinent thereto, upon the occasion of the acceptance of the statue of Will Rogers, presented by the State of Oklahoma, five thousand two hundred copies; of which one thousand copies shall be for the use of the Senate, and two thousand seven hundred copies for the use of the House of Representatives, and the remaining one thousand five hundred copies shall be for the use of and distribution by the Senators and Representatives in Congress from the State of Oklahoma.

SEC. 2. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

Passed, July 17, 1939.

Statue of Will Rogers.  
Proceedings on acceptance of, ordered printed.  
Ande, pp. 1551, 1554.

Distribution

Illustrations.

July 19, 1939

[S. Con. Res. 28]

## DISTRICT OF COLUMBIA REVENUE ACT OF 1939

District of Columbia Revenue Act of 1939.  
Corrections in enrollment.

Ante, p. 1086.

Ante, p. 1091.

Ante, p. 1101.

*Resolved by the Senate (the House of Representatives concurring),* That the Clerk of the House, in the enrollment of the bill (H. R. 6577) to provide revenue for the District of Columbia, and for other purposes, is authorized and directed to make the following changes:

(1) On page 2 of the conference report agreed to by the House on July 18, 1939, under the heading "TABLE OF CONTENTS", in section 4 (a), strike out "resident"; and in sections 4 (b) and 5 (c), strike out "and nonresident individuals";

(2) On page 7 of such conference report, in the heading of subsection (c) of section 5, strike out "AND NONRESIDENT INDIVIDUALS"; and

(3) On page 18 of such conference report, in section 31, strike out "title VI" and insert in lieu thereof "title IX".

Passed, July 19, 1939.

July 25, 1939

[H. Con. Res. 10]

## AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS

American Association of State Highway Officials.  
Preamble.

Whereas this year marks the twenty-fifth anniversary of the organization of the American Association of State Highway Officials, which is composed of officials of the highway departments of all the States, Hawaii, Puerto Rico, the District of Columbia, and the United States Bureau of Public Roads; and

Whereas said association through its members represents the State and Federal governmental agencies which have constructed and maintained a vast system of highways throughout the Nation, which highways are becoming increasingly important in local and interstate transportation; and

Whereas said association has announced that it is planning to celebrate in a fitting manner this quarter century of road building at a national meeting to be held during the month of October 1939 in the cities of Washington, District of Columbia; and Richmond, Virginia: Therefore be it

Sense of Congress that highway development merits appreciation.

Conveyance of appreciation by special Congressional committee.

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of the Congress that the splendid results which have been accomplished in the vital development of our national highway transportation system merit an expression of public appreciation by the Congress.

SEC. 2. A special committee of the Congress is hereby established, to consist of three Members of the Senate, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, to convey to the members of the American Association of State Highway Officials at the national meeting of said association to be held in the cities of Washington, District of Columbia, and Richmond, Virginia, during the month of October 1939 an expression of appreciation by the Congress of the praiseworthy accomplishments realized under their leadership and direction in the field of highway development.

Passed, July 25, 1939.

## VIRGINIA (MERRIMAC)-MONITOR COMMISSION

August 2, 1939

[H. Con. Res. 32]

*Resolved by the House of Representatives (the Senate concurring),* That there is hereby established a commission to be known as the Virginia (Merrimac)-Monitor Commission (hereinafter referred to as the commission) and to be composed of six commissioners, as follows: Three Senators to be appointed by the President of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House. The commissioners shall serve without compensation and shall select a chairman from among their number.

Virginia (Merrimac)-Monitor Commission, establishment, composition, etc.

SEC. 2. That it shall be the duty of the commissioners to consider and report as to the feasibility, practicability, and desirability of creating in Hampton Roads, Virginia, or on or near the shores thereof, at a site to be selected by the commission, a suitable memorial in commemoration of the battles in Hampton Roads, Virginia, (1) on March 8, 1862, participated in by the former United States frigate Merrimac, raised after burning, and rechristened the Confederate States Ironclad Virginia, and Cumberland, Congress, Minnesota, Roanoke, and Saint Lawrence; and (2) on March 9, 1862, the first battle in the history of the world between ironclads; that is, the Confederate ironclad Virginia (Merrimac) and the United States ironclad Monitor. The said commission shall report an estimate of the probable cost of said memorial and give due and proper consideration to such plan or plans as may be submitted to them for said memorial; shall confer with such civic associations and organizations and with such other commissions, Federal, State, or municipal, as may be appointed or created for purposes similar to the purposes of this concurrent resolution; shall take such steps as may be necessary to secure the coordination and correlation of plans prepared by such commissions, organizations, or agencies; shall ascertain and report as to the extent to which such commissions, organizations, or agencies will cooperate in creating said memorial and shall do all such other things as may be necessary to carry into full effect the intents and purposes of this concurrent resolution.

Memorial in commemoration of battles in Hampton Roads, Va., consideration, etc.

Cost, plans, etc.

Conferences with civic, etc., organizations.

SEC. 3. That the commission, after selecting a chairman and vice chairman from among their members, may appoint or employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the commission: *Provided*, That said commission can so arrange that no part of the pay or expense of said secretary and other assistants shall be paid by the United States.

Employment of secretary and other personnel.

*Proviso.*  
Federal expense restriction.

SEC. 4. That the said commission be, and the same is hereby, authorized to call upon the Commission of Fine Arts, in Washington, for their assistance and advice in connection with any plan or plans that may be submitted or considered, and the said Commission of Fine Arts is directed to render such assistance and advice as its other duties may permit and as may be within its power.

Assistance of Commission of Fine Arts.

SEC. 5. That the commission shall on or before the 15th day of April 1940 make a report to Congress for such enabling legislation, if any, as the Congress may desire.

Report to Congress by April 15, 1940.

SEC. 6. That the commission hereby created shall expire within two years after the adoption of this concurrent resolution.

Duration of commission.

SEC. 7. That this concurrent resolution shall take effect immediately.

Effective date.

Passed, August 2, 1939.



August 5, 1939

[H. Con. Res. 33]

## SUPREME COURT, SESQUICENTENNIAL

Supreme Court, ses-  
quicentennial of first  
session.  
Joint committee to  
arrange exercises in  
commemoration of,  
authorized.

*Resolved by the House of Representatives (the Senate concurring),*  
That a joint committee consisting of five Members of the House of Representatives and five Members of the Senate shall be appointed by the Speaker of the House of Representatives and the President of the Senate, respectively, which is empowered to make plans and suitable arrangements for fitting and proper exercises, to be held on the 1st day of February 1940, in commemoration of the one hundred and fiftieth anniversary of the commencement of the first session of the Supreme Court of the United States, held at the city of New York on Monday, the 1st day of February 1790.

Passed, August 5, 1939.

August 5, 1939

[H. Con. Res. 35]

## SIGNING OF ENROLLED BILLS, ETC.

Enrolled bills or  
joint resolutions.  
Signing after ad-  
journment authorized.

*Resolved by the House of Representatives (the Senate concurring),*  
That notwithstanding the adjournment of the first session of the Seventy-sixth Congress, the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to sign any enrolled bills or joint resolutions duly passed by the two Houses and which have been examined by the Committee on Enrolled Bills of each House and found truly enrolled.

Passed, August 5, 1939.

August 5, 1939

[S. Con. Res. 29]

## ADJOURNMENT

Adjournment of  
Congress, August 5,  
1939.

*Resolved by the Senate (the House of Representatives concurring),*  
That the two Houses of Congress shall adjourn on Saturday, the 5th day of August 1939, and that when they adjourn on said day they stand adjourned sine die.

Passed, August 5, 1939.

# TREATIES

#### NOTICE

In this section are included all instruments, whether called treaties, conventions, protocols, or otherwise, entered into on the part of the United States by the President by and with the advice and consent of the Senate.

# TREATIES

*Supplementary extradition treaty between the United States of America and Norway. Signed at Washington February 1, 1938; ratification advised by the Senate June 13, 1938; ratified by the President July 6, 1938; ratified by Norway March 10, 1938; ratifications exchanged at Oslo, August 6, 1938; proclaimed August 15, 1938.*

February 1, 1938  
[T. S. No. 934]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS a supplementary extradition treaty between the United States of America and the Kingdom of Norway was concluded and signed by their respective plenipotentiaries at Washington on the first day of February, one thousand nine hundred and thirty-eight, the original of which supplementary extradition treaty, being in the English and Norwegian languages, is word for word as follows:

Supplementary ex-  
tradition treaty with  
Norway.  
Preamble.

The United States of America and the Kingdom of Norway being desirous of enlarging the list of crimes on account of which extradition may be granted under the treaty concluded between the United States of America and Norway on June 7, 1893, with a view to the better administration of justice and prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplemental treaty for this purpose and have appointed as their Plenipotentiaries:

Contracting powers

28 Stat. 1187.

The President of the United States of America,

Presidenten for Amerikas Forente Stater,

Plenipotentiaries.

Mr. Cordell Hull, Secretary of State of the United States of America; and

Herr Cordell Hull, Amerikas Forente Staters Utenriksminister; og

His Majesty the King of Norway:

Hans Majestet Norges Konge,

Mr. Wilhelm Munthe de Morgenstjerne, his Envoy Extraordi-

Herr Wilhelm von Munthe av Morgenstjerne, sin overordentlige

nary and Minister Plenipotentiary Sendemann og befullmektigede in Washington; Minister i Washington;

who, having communicated to som, efter å ha meddelt hver each other their respective full andre sine fullmakter, som blev powers, which were found to be in funnet i god og riktig form, er due and proper form, have agreed kommet overens om og har sluttet to and concluded the following avtale om følgende bestemmelser: articles:

## ARTICLE I

## ARTIKKEL I

Additions to extraditable crimes.

28 Stat. 1188.

Crimes or offenses against bankruptcy laws.

Narcotics.

The following crimes are added to the list of crimes numbered 1 to 12 in Article II of the said treaty of June 7, 1893, on account of which extradition may be granted, that is to say:

13. Crimes or offenses against the bankruptcy laws, provided that the act may be punished in the United States as a felony and in Norway is a crime which, under the General Civil Penal Code, may be punished with a more severe penalty than imprisonment for one year.

14. Violations of legislation concerning narcotics, if the act, committed in Norway, would be subject to punishment by imprisonment.

Følgende forbrydelser føies til i fortegnelsen over forbrydelser, nummerert 1 til 12, i artikkel II i nevnte traktat av 7. juni 1893, for hvilke utlevering kan innrømmes, nemlig:

13. Konkursforbrydelser, forutsatt at handlingen i De Forente Stater kan straffes som "felony" og i Norge er en forbrydelse som efter den almindelige borgerlige straffelov kan medføre strengere straff enn fengsel i ett år.

14. Overtredelser av lovgivningen om narkotiske midler, for såvidt handlingen, begått i Norge, vilde kunne medføre fengselsstraff.

## ARTICLE II

## ARTIKKEL II

Considered part of Treaty of June 7, 1893.

28 Stat. 1187.

The present treaty shall be considered as an integral part of said Extradition Treaty of June 7, 1893, and Article II of the last-mentioned treaty shall be read as if the list of crimes and offenses therein contained had originally comprised the additional crimes and offenses specified and numbered 13 and 14 in the first Article of the present treaty.

Nærværende traktat skal ansees som en integrerende del av nevnte utleveringstraktat av 7. juni 1893, og artikkel II i sistnevnte traktat skal leses som om den fortegnelse over forbrydelser og forseelser den inneholder, oprinnelig hadde omfattet de tilføiede forbrydelser og forseelser som er omhandlet og gitt nummer 13 og 14 i første artikkel i nærværende traktat.

Ratification.

The present treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods,

Nærværende traktat skal ratifiseres av de høie kontraherende parter i overensstemmelse med deres respektive forfatningsmes-

and shall take effect on the date of sige regler og skal tre i kraft fra the exchange of ratifications which dagen for utvekslingen av rati- shall take place at Oslo as soon as fikasjonene som skal finne sted i possible. Oslo så snart som mulig.

Effective date.

IN WITNESS WHEREOF, the Til bekreftelse herav har oven- above-mentioned Plenipotentiaries nevnte befullmektigede underteg- have signed the present treaty in net nærværende traktat både i det both the English and Norwegian engelske og det norske sprog og languages and have hereunto af- har forsynt den med sine segl. fixed their seals.

Signatures.

DONE, in duplicate, at Washing- Utferdiget i to eksemplarer i ton, this first day of February, Washington den 1ste februar 1938. nineteen hundred and thirty-eight.

CORDELL HULL [SEAL]  
W. MORGENSTIERNE [SEAL]

AND WHEREAS the said supplementary extradition treaty has been duly ratified on both parts, and the ratifications of the two Govern- ments were exchanged in the city of Oslo, on the sixth day of August, one thousand nine hundred and thirty-eight;

Exchange of ratifications.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said supplementary extradition treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of August in the year of our Lord one thousand nine hundred and thirty-eight, [SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

March 18, 1938  
[T. S. No. 935]

*Convention between the United States of America and the Netherlands providing for the arbitration of a difference relating to payment for certain military supplies. Signed at Washington March 18, 1938; ratification advised by the Senate June 13, 1938; ratified by the President July 6, 1938; ratified by the Netherlands June 16, 1938; ratifications exchanged at Washington August 2, 1938; proclaimed August 15, 1938.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Convention with  
the Netherlands pro-  
viding for the arbitra-  
tion of a difference  
relating to payment  
for certain military  
supplies.  
Preamble.

WHEREAS a convention between the United States of America and the Kingdom of the Netherlands providing for the arbitration of a difference between the Government of the United States of America and the Government of the Netherlands in regard to the sufficiency of the payment made by the Government of the United States of America to the Government of the Netherlands for certain military supplies of the Netherlands Government which were requisitioned by the Government of the United States of America in 1917, was concluded and signed by their respective plenipotentiaries at Washington on the eighteenth day of March, one thousand nine hundred and thirty-eight, the original of which convention is word for word as follows:

WHEREAS, in November 1917, the Government of the United States of America requisitioned certain military supplies of the Government of the Netherlands, for which it paid a sum not considered by the Government of the Netherlands to be the full amount to which it was entitled therefor, while the Government of the United States of America considers, on the contrary, that it has paid more than was due,

WHEREAS it has been found impossible to adjust the resulting differences of opinion by diplomacy,

Contracting pow-  
ers.

WHEREAS the President of the United States of America and Her Majesty, the Queen of the Netherlands, are desirous of reaching an amicable settlement of their differences, by arbitration if necessary, and that a convention be concluded for that purpose, have named as their plenipotentiaries, that is to say:

Plenipotentiaries.

The President of the United States of America:

Cordell Hull, Secretary of State of the United States of America, and

Her Majesty, the Queen of the Netherlands:

Jonkheer H. M. van Haersma de With, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands to the United States of America,

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I

*First.* Within six months from the date of the exchange of ratifications hereof the Agent for the Government of the Netherlands shall present to the Agent for the Government of the United States of America a Memorial in which shall be fully set forth:

Presentation of Memorial by Agent for Netherlands.

(a) the facts on which the Netherlands Government rests its claim against the Government of the United States of America,

(b) the amount of additional compensation demanded, the principal of which compensation shall in no event exceed the difference between the florins alleged to have been expended by the Netherlands Government and the amount in dollars received by it, leaving to the Arbitrator the question as to whether, in the event of an award, interest should be granted,

(c) an explanation of the grounds and theory on which the claim is predicated.

Such Memorial shall be accompanied by all the evidence upon which the claim is considered to be based, it being clearly understood that no further evidence may be injected into the case either during the discussions mentioned in Article II below or during the possible adjudication of the claim, except as hereinafter provided.

*Second.* Within eight months from the date of receipt by the Agent for the Government of the United States of America of such Memorial, he shall present to the Agent for the Government of the Netherlands an Answer to the Memorial, in which shall be fully set forth:

Answer to Memorial by Agent for the United States of America.

(a) the facts relied upon by the Government of the United States of America in defense of the claim of the Government of the Netherlands and the facts on which the Government of the United States of America rests any counterclaim,

(b) the amount of such counterclaim,

(c) an explanation of the grounds and theory on which the defense and any such counterclaim are predicated.

To such Answer there shall be attached all the evidence upon which the defense of the claim and upon which the counterclaim are considered to be based, and no further evidence shall be injected into the case, either in support or defense, either during the stage of discussions mentioned in Article II below or during possible arbitration, except as hereinafter provided.

*Third.* With all issues of fact and law thus defined, the Agent for the Government of the Netherlands shall, within six months from the date of the receipt of the Answer, file with the Agent for the Government of the United States of America a written Brief containing all such factual and legal contentions as he may desire to make in support of the claim and in defense of the counterclaim. In such Brief the Agent for the Netherlands Government, without being allowed to

Brief by Agent for the Netherlands.



change the general grounds of the claim as stated in the Memorial, may further explain such grounds in the light of the Answer and the evidence filed therewith and he may file with such Brief only such evidence as is strictly in refutation of the Answer or of the evidence filed with the Answer, but which does not lay the basis of any new grounds for the claim. With the Brief there may be filed also an Answer to the counterclaim, which Answer shall be governed by paragraph "Second" above.

Reply Brief by  
Agent for the United  
States.

*Fourth.* Within six months from the date of the receipt of such Brief the Agent for the Government of the United States of America shall file with the Agent for the Government of the Netherlands a Reply Brief containing all such factual and legal contentions as he may desire to make in defense of the claim and in support of the counterclaim. In such Reply Brief the Agent for the Government of the United States of America, without being allowed to change the general grounds of the defense of the claim or the general grounds of the counterclaim, may further explain such grounds in the light of the Brief of the Government of the Netherlands, the Answer to the counterclaim, and the evidence filed therewith, and he may file with such Reply Brief only such evidence as is strictly in refutation of the Brief or the evidence filed therewith, but which does not lay the basis of any new grounds for defense of the claim or any new grounds for the counterclaim.

## ARTICLE II

Reference to arbitration if agreement not reached within designated time.

In the event that the two Governments shall be unable to agree upon a disposition of the claim and the counterclaim or upon any portions thereof within the six months next succeeding the delivery of the Reply Brief of the Government of the United States of America, the pleadings thus exchanged shall be referred to arbitration for the decision of any such unsettled questions, it being clearly understood, however, that in no event shall the issues of the claim or of the counterclaim, either factual or legal, or the contentions of either party, as herein submitted to diplomatic discussion, be changed in character, or the written record above described augmented in the event the matter is so referred to arbitration.

## ARTICLE III

Issues to be decided.

The issues to be decided shall be those formulated by the pleadings exchanged in pursuance of Article I hereof, or such of those issues as shall not have been previously settled by agreement of the two Governments.

The Arbitrator shall decide such issues in conformity with applicable law.

## ARTICLE IV

Arbitral tribunal.

The arbitral tribunal shall consist of a sole Arbitrator, to be selected by mutual agreement of the two Governments, who shall be a jurist of repute, familiar with the English language, and who shall not be a national of the Netherlands or of the United States of America.

## ARTICLE V

Within thirty days from the termination of the period specified in Article II above, if the diplomatic negotiations referred to therein shall not have resulted in a full settlement of the claim and counter-claim, the pleadings provided for in Article I above shall be delivered to the Arbitrator by means of a joint communication of the two Agents.

Delivery of pleadings to Arbitrator if negotiations fail to result in full settlement.

## ARTICLE VI

As soon as possible after the date of the receipt of the above-mentioned pleadings by the Arbitrator, and not later than four months from that date, he shall convene the parties at a place to be determined by the two Governments for the purpose of hearing such oral arguments by Agents or Counsel, or both, for each Government, as they may desire to make. The conduct of the oral proceedings shall be under the control of the Arbitrator. Authentic minutes of the meetings shall be kept by a Secretary, to be designated by the Arbitrator, and shall be signed by the Arbitrator and the Secretary.

Oral proceedings.

The periods of time mentioned in Articles V and VI hereof may be extended by mutual agreement of the two Governments.

Time extensions.

## ARTICLE VII

The Arbitrator shall be obligated to render his decision within three months from the date on which the oral arguments close, unless, upon the request of the Arbitrator, the two Governments agree to extend that period.

Arbitrator's decision; time limitation.

The decision of the Arbitrator shall be rendered in two signed copies, one of which shall be sent to each Government. It shall state the grounds of the decision and shall be in the English language.

To be signed in duplicate.

The language of the pleadings and oral proceedings shall be English. All evidence submitted in any language other than English shall be accompanied by a full and correct translation in the English language.

Language to be used; translations.

The decision of the Arbitrator shall be accepted as final and binding upon the two Governments.

Finality of decision.

## ARTICLE VIII

Each Government shall pay the expenses of the presentation and conduct of its own case before the Arbitrator, all joint expenses, including the honorarium for the Arbitrator, to be borne by the two Governments in equal proportions.

Payment of expenses.

## ARTICLE IX

This convention shall be ratified by the High Contracting Parties and shall take effect immediately upon the exchange of ratifications, which shall take place at Washington as soon as possible.

Ratification.

## Signatures.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

DONE in duplicate at Washington, this eighteenth day of March, 1938.

[SEAL] CORDELL HULL

[SEAL] H. M. VAN HAERSMA DE WITH

## Exchange of ratifications.

AND WHEREAS the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the second day of August, one thousand nine hundred and thirty-eight;

## Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of August in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Treaty between the United States of America and Lithuania defining in certain cases the liability for military service and other acts of allegiance of naturalized persons and persons born with double nationality. Signed at Kaunas October 18, 1937; ratification advised by the Senate June 13, 1938; ratified by the President July 5, 1938; ratified by Lithuania December 30, 1937; ratifications exchanged at Washington July 20, 1938; proclaimed August 15, 1938.*

October 18, 1937  
[T. S. No. 636]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS a treaty between the United States of America and Lithuania defining in certain cases the liability for military service or any other act of allegiance of nationals of either country who have been or shall become naturalized in the territory of the other country, as well as of certain classes of persons born with double nationality, was concluded and signed by their respective Plenipotentiaries at Kaunas on the eighteenth day of October, one thousand nine hundred and thirty-seven, the original of which treaty being in the English and Lithuanian languages, is word for word as follows:

Liability for military service, etc., of naturalized persons and persons born with double nationality, United States and Lithuania.  
Preamble.

The United States of America and Lithuania being desirous of defining in certain cases the liability for military service or any other act of allegiance of nationals of either country who have been or shall become naturalized in the territory of the other country as well as of certain classes of persons born with double nationality, have resolved to conclude a treaty on the subject and for that purpose have appointed their Plenipotentiaries, that is to say:

Contracting powers.

THE PRESIDENT OF THE UNITED STATES OF AMERICA: JUNGČINIŲ AMERIKOS VALSTYBIŲ PREZIDENTAS:

Plenipotentiaries.

C. PORTER KUYKENDALL, CHARGÉ D'AFFAIRES AD INTERIM OF THE UNITED STATES OF AMERICA TO LITHUANIA;  
and  
TINIŲ AMERIKOS VALSTYBIŲ CHARGÉ D'AFFAIRES AD INTERIM LIETUVAI;  
ir

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA: LIETUVOS RESPUBLIKOS PREZIDENTAS:

STASYS LOZORAITIS, MINISTER OF  
FOREIGN AFFAIRS;

STASĮ LOZORAITĮ, UŽSIENIŲ  
REIKALŲ MINISTERĮ;

Who, having communicated to  
each other their full powers found  
to be in good and due form, have  
agreed upon the following articles:

kurie, pateikę vienas antram  
savo įgaliojimus, rastus gera ir  
tinkama forma sudarytus, susi-  
tarė dėl šių nuostatų:

## ARTICLE I

## I STRAIPSNIS

Naturalised persons  
returning to country  
of former nationality  
for temporary stay.

Nationals of either country, who  
have been or shall become natural-  
ized in the territory of the other  
country shall not, upon returning  
to the country of former national-  
ity for a temporary stay, be re-  
quired to perform military service  
or any other act of allegiance, or  
punished for the original act of  
emigration, or for failure to re-  
spond to a call for military service,  
liability for which did not accrue  
until after bona fide residence was  
acquired in the territory of the  
country whose nationality was  
obtained by naturalization.

Iš vienos Susitariančios Šalies  
piliečių, kurie buvo arba bus  
natūralizuoti kitos šalies teritori-  
joje, laikinai sugrįžusių į savo  
pirmąsios pilietybės šalį, nebus  
reikalaujama atlikti karinę prie-  
volę ar bet kokią kitą ištikimybės  
veiksma, ir jie nebus baudžiami už  
pirmąsį emigravimą arba už  
neatsiliepimą į šaukimus karinę  
prievolę atlikti, jei tie asmenys  
neturėjo stoti į karo tarnybą prieš  
tai, kai bona fide apsigyveno tos  
šalies teritorijoje, kurios pilietybę  
įgijo natūralizuodamiesi.

Proviso.  
Renewal of resi-  
dence in country of  
origin.

Provided, that, if a national  
of either country who comes within  
the purview of this article shall  
renew his residence in his country  
of origin without the intent to re-  
turn to the country in which he was  
naturalized, he shall be held to have  
renounced his naturalization.

Bet jei bet kurios Susitariančių  
Šalių pilietis, kurį liečia šis straips-  
nis, vėl apsigyvena savo kilimo  
šalyje, nebūdamas pasiryžęs grįžti  
į šalį, kurioje natūralizavosi, tai  
jis bus laikomas atsisakiusiu nuo  
natūralizacijos.

Presumption of in-  
tent.

The intent not to return may  
be held to exist when a person  
naturalized in one country shall  
have resided more than two years  
in the other country; but this  
presumption may be overcome by  
evidence to the contrary.

Asmenį galima bus laikyti ne-  
turinčiu intencijos grįžti tuo atveju,  
jei jis, natūralizavęsis vienoje  
šalyje, išgyveno antroje šalyje  
daugiau kaip dvejus metus; pre-  
zumpcija nebus taikoma tuo at-  
veju, kai bus pateikta priešingų  
įrodymų.

## ARTICLE II

## II STRAIPSNIS

Persons with double  
nationality, tempo-  
rary stay in country  
of parents but not  
of birth.

A person born in the territory  
of one country of parents who are  
nationals of the other country,  
and having the nationality of each  
country under its laws, shall not,  
if he has his habitual residence,  
that is, the place of his general  
abode, in the territory of the

Asmuo, gimęs vienos šalies teri-  
torijoje iš tėvų, kurie yra antrosios  
šalies piliečiai, ir turįs pagal tų  
šalių įstatymus abiejų šalių pili-  
tybę, jei nuolat gyvena tos šalies  
teritorijoje, kurioje gimė, nebus  
verčiamas atlikti karinę prievolę  
ar bet kokią kitą ištikimybės

country of his birth, be held liable for military service or any other act of allegiance during a temporary stay in the territory of the other country.

Provided, that, if such stay is protracted beyond the period of two years, it shall be presumed to be permanent, in the absence of sufficient evidence showing that return to the territory of the other country will take place within a short time.

Bet, jei tas laikinas apsigyvenimas truks ilgiau kaip dvejus metus, jis bus laikomas nuolatiniu, nebent bus užtektinų įrodymų, kad saky-tasis asmuo greitai laiku grįš į antrosios šalies teritoriją.

*Proviso.*  
Presumption of per-  
manent domicile.

### ARTICLE III

The present treaty shall be ratified and the ratifications there-of shall be exchanged at Wash-ington. It shall take effect in all its provisions on the day of the exchange of ratifications and shall continue in force for the term of ten years from that day.

If within one year before the expiration of ten years from the day on which the present treaty shall come into force, neither High Contracting Party notifies the other of an intention of terminat-ing the treaty upon the expiration of the aforesaid period of ten years, the treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of terminating the treaty.

IN WITNESS WHEREOF, the re-spective Plenipotentiaries have signed the present treaty and have affixed their seals thereto.

DONE in duplicate, in the Eng-lish and Lithuanian languages, both authentic, at Kaunas, this eighteenth day of October, nine-teen hundred and thirty-seven.

### III STRAIPSNIS

Šita sutartis bus ratifikuota ir ratifikacijomis bus pasikeista Va-šingtone. Ji įsigalios visais savo nuostatais dieną, kurią bus pasi-keista ratifikacijomis, ir galios dešimtį metų, skaitant nuo tos dienos.

*Ratification.*

Jei nė viena Aukštųjų Susita-riancių Šalių, bent vienus metus prieš sueinant dešimties metų ter-minui, skaitant nuo šios sutarties įsigaliojimo dienos, nepareikš an-trajai noro atšaukti sutartį, mi-nėtam dešimties metų terminui išėjus, tai sutartis bus laikoma prailginta nenustatytam terminui. Po to ji galės būti atšaukta kiek-vienu metu, pranešus apie tai kitai Aukštajai Susitariančiai Ša-liai vienus metus iš anksto.

*Duration.*

Šiam paliudyti atitinkami įgalioti-niai pasirašė šią sutartį ir pridė-jo savo antspaudus.

*Signatures.*

Sudaryta dviem egzemplioriais, anglų ir lietuvių kalbomis, laikant abi kalbas autentiškomis, Kaune, tūkstantis devyni šimtai trisde-šimts septintais metais spalio mė-nesio aštuonioliką dieną.

C. PORTER KUYKENDALL  
[SEAL]

LOZORAITIS  
[SEAL]

Exchange of ratifications.

AND WHEREAS the said treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the twentieth day of July, one thousand nine hundred and thirty-eight;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of August in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Agreement between the United States of America and Nicaragua providing for the adjustment of certain accounts and refund of income taxes. Signed at Washington April 14, 1938; ratification advised by the Senate June 13, 1938; ratified by the President July 6, 1938; ratified by Nicaragua May 30, 1938; ratifications exchanged at Washington August 24, 1938; proclaimed August 31, 1938.*

April 14, 1938

[T. S. No. 937]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS an Agreement providing for the adjustment of certain accounts of indebtedness and claim for refund of income taxes between the United States of America and the Republic of Nicaragua was concluded and signed by the respective Plenipotentiaries of the two countries at Washington on the fourteenth day of April, one thousand nine hundred and thirty-eight, the original of which Agreement, being in the English and Spanish languages, is word for word as follows:

Agreement with Nicaragua providing for the adjustment of certain accounts and refund of income taxes.  
Preamble.

The United States of America and the Republic of Nicaragua:

Los Estados Unidos de América y la República de Nicaragua:

Contracting powers.

Considering that the Government of the Republic of Nicaragua is indebted to the Government of the United States of America in the amount of \$289,898.78, representing unpaid balance of the principal amount of indebtedness incurred for the purchase from the Government of the United States of America of certain arms and ammunition;

Considerando que el Gobierno de la República de Nicaragua adeuda al Gobierno de los Estados Unidos de América, la suma de \$289,898.78, que representa el saldo insoluto de la suma principal de la deuda proveniente de la compra, al Gobierno de los Estados Unidos de América, de ciertas armas y municiones;

Considering that the Government of the Republic of Nicaragua makes a claim to refund of income taxes from the Government of the United States of America in the principal amount of \$372,879.06, representing payment of income taxes to the Government of the United States of America by the Ferrocarril del Pacífico de Nicaragua; and,

Considerando que el Gobierno de la República de Nicaragua ha hecho un reclamo al Gobierno de los Estados Unidos de América para el reembolso de impuestos sobre la renta, por la suma principal de \$372,879.06, que representa el pago de impuestos sobre la renta efectuado al Gobierno de los Estados Unidos de América por el Ferrocarril del Pacífico de Nicaragua; y

Being desirous of adjusting in a mutually satisfactory manner the aforesaid accounts and of strengthening still further the friendly re-

Estando deseosos de arreglar de manera mutuamente satisfactoria las mencionadas cuentas; y de fortalecer más aún, las amistosas



lations which happily exist between the two Governments:

Have decided to enter into an agreement for that purpose and to that end have appointed their plenipotentiaries:

Plenipotentiaries.

The President of the United States of America:

Cordell Hull, Secretary of State of the United States of America, and

The President of the Republic of Nicaragua:

Señor Doctor Don León De Bayle, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua in Washington,

Who, having communicated their respective full powers to each other, which have been found to be in good and due form, have agreed upon the following:

relaciones que felizmente existen entre los dos Gobiernos:

Han decidido concertar un convenio para ese propósito; y con ese fin, han nombrado sus respectivos plenipotenciarios:

El Presidente de los Estados Unidos de América:

Cordell Hull, Secretario de Estado de los Estados Unidos de América, y

El Presidente de la República de Nicaragua:

Señor Doctor Don León De Bayle, Enviado Extraordinario y Ministro Plenipotenciario de Nicaragua en Washington,

Quienes, habiéndose comunicado sus respectivos plenos poderes, los cuales se han hallado en buena y debida forma, han convenido en lo siguiente:

#### ARTICLE I

#### ARTICULO I

Payment by the United States of America.

The Government of the United States of America shall pay to the Government of the Republic of Nicaragua the sum of \$72,000 in full settlement of the claim of the Government of the Republic of Nicaragua for refund of \$372,-879.06, being the principal amount of certain income taxes paid by the Ferrocarril del Pacifico de Nicaragua, and for refund of interest thereon.

El Gobierno de los Estados Unidos de América pagará al Gobierno de la República de Nicaragua, la suma de \$72,000 en cancelación total, del reclamo hecho por el Gobierno de la República de Nicaragua para el reembolso de la suma de \$372,-879.06, que representa el principal de ciertos impuestos sobre la renta, pagados por el Ferrocarril del Pacifico de Nicaragua, y para el reembolso de los intereses correspondientes.

#### ARTICLE II

#### ARTICULO II

Acceptance in full settlement by Nicaragua. *Ante*, p. 896.

The Government of the Republic of Nicaragua agrees to accept the payment of \$72,000 in full settlement of its aforesaid claim, and in consideration of such agreement the Government of the United States of America hereby cancels the present indebtedness of the Government of the Republic of Nicaragua to it for arms and ammunition sold to the Government of the Republic of Nicaragua, in the principal amount of \$289,-898.78, together with interest thereon.

Cancellation of present indebtedness due the United States of America.

El Gobierno de la República de Nicaragua conviene en aceptar el pago de la suma de \$72,000, en cancelación total del reclamo arriba mencionado; y en vista de tal acuerdo, el Gobierno de los Estados Unidos de América, cancela, por el presente instrumento, la actual deuda, y sus correspondientes intereses, a cargo del Gobierno de la República de Nicaragua, por armas y municiones, vendidas a éste, cuya suma principal asciende a \$289,898.78.

## ARTICLE III

## ARTICULO III

The present agreement shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect immediately on the exchange of ratifications, which shall take place as soon as possible at Washington.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this agreement in duplicate, in the English and Spanish languages, both texts being authentic, and have hereunto affixed their seals.

DONE at the City of Washington the fourteenth day of April, one thousand nine hundred and thirty-eight.

El presente convenio se ratificará de acuerdo con los requisitos constitucionales de las Altas Partes Contratantes y entrará en vigor inmediatamente después del cambio de ratificaciones, que se verificará en Washington, a la mayor brevedad posible.

EN FE DE LO CUAL, los Plenipotenciarios han suscrito este convenio en duplicado, en idioma inglés y español, siendo ambos textos auténticos, y han fijado sus respectivos sellos.

DADO en la Ciudad de Washington, el día catorce del mes de Abril del año mil novecientos treinta y ocho.

Ratification.

Signatures.

For the President of the United States of America:

CORDELL HULL [SEAL]

For the President of the Republic of Nicaragua:

LEÓN DE BAYLE [SEAL]

AND WHEREAS the said Agreement has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the twenty-fourth day of August, one thousand nine hundred and thirty-eight;

Exchange of ratifications.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Agreement to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirty-first day of August, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

December 13, 1937  
[T. S. No. 938]

*Inter-American Radio Communications Convention. Signed at Habana December 13, 1937; ratification advised by the Senate June 15, 1938; ratified by the President June 30, 1938; ratification of the United States of America deposited with the Government of Cuba July 21, 1938; proclaimed September 19, 1938.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Inter-American Radio Communications Convention.  
Preamble.

WHEREAS an Inter-American Radio Communications Convention between the United States of America, Brazil, Canada, Colombia, Cuba, Chile, the Dominican Republic, Guatemala, Haiti, Mexico, Nicaragua, Panama, Peru, Uruguay and Venezuela was concluded and signed by their respective plenipotentiaries at Habana on the thirteenth day of December, one thousand nine hundred and thirty-seven, which Convention in the Spanish, English, Portuguese and French languages is word for word as follows:

Texts.

## CONVENCION INTERAMERICANA SOBRE RADIOCOMUNICACIONES

Suscrita en la Habana, el 13 de diciembre de 1937, entre los Gobiernos de los Estados que se mencionan a continuación.

Brasil,	República Dominicana,	Nicaragua,
Canadá,	Estados Unidos de América,	Panamá,
Colombia,	Guatemala,	Perú,
Cuba,	Haití,	Uruguay, y
Chile,	México,	Venezuela.

Los Gobiernos arriba mencionados, reconociendo las ventajas de la cooperación y del mutuo entendimiento que resultan del intercambio de pareceres con respecto a las radiocomunicaciones, han designado a los infrascritos Plenipotenciarios a la Primera Conferencia Interamericana de Radio, reunida en la Ciudad de la Habana, República de Cuba, quienes, de común acuerdo, y bajo reserva de ratificación, han celebrado la siguiente Convención, que se ajusta a las estipulaciones de la Convención Internacional de Telecomunicaciones de Madrid de 1932.

### Primera Parte

### CONFERENCIAS

#### ARTÍCULO 1. OBJETO.

Los Gobiernos contratantes convienen en reunirse periódicamente en Conferencias de Plenipotenciarios con el fin de resolver por mútuo acuerdo los problemas que surjan en el campo de las radiocomunicaciones en el Continente Americano.

**ARTÍCULO 2. COMPOSICION DE LAS CONFERENCIAS.**

Las Conferencias estarán compuestas, en los términos fijados en el Reglamento Interno de las Conferencias Interamericanas de Radio, (Anexo 1 de esta Convención), por los Delegados de todos los Gobiernos del Continente Americano que acepten participar en ellas.

Podrán asistir, además, con el carácter de observadores, representantes de instituciones y organismos vinculados a la radiocomunicación; de empresas o agrupaciones de empresas y de entidades o personas que exploten servicios radioeléctricos, siempre que sean autorizados por sus respectivos Gobiernos.

**ARTÍCULO 3. VOTO EN LAS CONFERENCIAS.**

A) Sólo tendrá un voto en las Conferencias cada Estado que reúna los siguientes requisitos:

- I. Población permanente;
- II. Territorio determinado;
- III. Gobierno;
- IV. Capacidad de entrar en relaciones con los demás Estados.

B) Los países o territorios que no posean esas condiciones podrán tener voz, más no voto en las Conferencias; pero los acuerdos resultantes de las Conferencias estarán abiertos a su adhesión por medio de sus respectivos Gobiernos metropolitanos.

**ARTÍCULO 4. LUGAR Y FECHA DE LAS CONFERENCIAS.**

A) Las Conferencias se efectuarán con intervalos no mayores de tres años. El país y la fecha en que deba reunirse cada Conferencia serán fijados en la precedente. Sin embargo, la fecha señalada para una reunión podrá ser adelantada o pospuesta por el Gobierno organizador a petición de cinco o más Gobiernos participantes.

B) El Gobierno del país donde deba reunirse una Conferencia, el cual se denominará Gobierno Organizador, fijará el lugar y la fecha definitiva de la reunión y expedirá por la vía diplomática, con una anticipación no menor de seis meses, las invitaciones de estilo.

**ARTÍCULO 5. REGLAMENTO INTERNO DE LAS CONFERENCIAS.**

Esta Convención tiene anexo un Reglamento Interno de las Conferencias Interamericanas de Radio (Anexo 1), que fija las modalidades de sus reuniones, y que sólo podrá ser modificado por el voto favorable de las dos terceras partes de los Estados participantes en la respectiva Conferencia.

**Segunda Parte.****OFICINA INTERAMERICANA DE RADIO (O. I. R.)****ARTÍCULO 6. OBJETO.**

Los Gobiernos Contratantes convienen:

A) En establecer la Oficina Interamericana de Radio (O. I. R.), como organismo interamericano de carácter consultivo que centrali-

zará y facilitará entre las Administraciones de los países americanos, el intercambio y circulación de información relativa a radiocomunicaciones en todos sus aspectos y colaborará en la organización de las Conferencias mencionadas en la Parte Primera de esta Convención.

B) 1. En comunicar oportunamente a la Oficina Interamericana de Radio todas las disposiciones de legislación de radio internas e internacionales, los reglamentos que rijan en sus territorios, las reformas que se les introduzcan, así como también informes estadísticos, técnicos y administrativos sobre la materia.

2. Especificadamente deberán enviar a la Oficina Interamericana de Radio, cada seis meses, una lista oficial de las frecuencias asignadas por ellos a todas las estaciones radiodifusoras, y notificar mensualmente todas las modificaciones y adiciones efectuadas.

Las referidas comunicaciones deberán ser hechas de acuerdo con el procedimiento adoptado en el Reglamento General de Radiocomunicaciones anexo a la Convención Internacional de Telecomunicaciones vigente, debiendo incluir además:

- a) Potencia actual usada.
- b) Potencia máxima que se intenta usar.
- c) Horario de transmisiones.

Estas comunicaciones deberán hacerse, en todos los casos, independientemente de las que se envían a la Oficina de la Unión Internacional de Telecomunicaciones.

#### ARTÍCULO 7. ATRIBUCIONES.

La Oficina Interamericana de Radio estará encargada:

A) de los trabajos preparatorios de las Conferencias y de los que deriven de sus decisiones;

B) de constituir, de acuerdo con el Gobierno Organizador, la Secretaría de las Conferencias;

C) de publicar y distribuir aquellos documentos ordenados por las Conferencias;

D) de publicar y distribuir informaciones técnicas, distintas de las originadas en las Conferencias, incluyendo el intercambio de datos relativos a la exactitud y estabilidad de las frecuencias, a las interferencias u otras molestias observadas en los territorios de los países contratantes y a otros estudios que se realicen, tales como propagación de las ondas, características generales de las diferentes antenas, etc.; así como el intercambio de documentos de carácter jurídico, de Tratados y de información general para una mejor inteligencia y perfeccionamiento de las normas de radiocomunicaciones en el Continente Americano;

E) de presentar un informe anual de sus labores, que será comunicado a todos los Gobiernos contratantes; y

F) del desempeño de cualesquiera otras funciones que le correspondan o le sean asignadas por las Conferencias.

**ARTÍCULO 8. SOSTENIMIENTO DE LA OFICINA.**

A) Los gastos generales de la Oficina Interamericana de Radio (O. I. R.), no excederán la suma de veinticinco mil dólares (\$25,000.00) moneda de los Estados Unidos de América, por año;

B) Para sufragar esos gastos, cada uno de los Gobiernos americanos convienen en contribuir en proporción a cierto número de unidades de acuerdo con la categoría a que pertenezca según lo dispuesto en el Reglamento Interno de la Oficina Interamericana de Radio.

Con tal objeto establécense seis categorías a las cuales corresponderán las unidades siguientes:

Categorías:	I	II	III	IV	V	VI
Unidades:	25	20	15	10	5	3

C) Los gastos generales no incluirán los ocasionados por las Conferencias, los cuales serán sufragados por el Gobierno Organizador.

D) Las cantidades necesarias para el sostenimiento de la Oficina deberán pagarse semestralmente por adelantado, por los Gobiernos que formen parte de ella. Si un Estado estuviere en mora en sus pagos, el Gobierno del país sede de la Oficina adelantará las cantidades que se requieran. Las sumas así anticipadas deberán ser reembolsadas por los Gobiernos deudores lo más pronto posible, y a más tardar, dentro de los cuatro meses siguientes a la fecha en que el pago deba hacerse.

**ARTÍCULO 9. SEDE Y VIGILANCIA DE LA OFICINA.**

A) La sede de la Oficina Interamericana de Radio y el nombramiento del Director serán tema del programa de cada Conferencia.

B) El Gobierno del país en donde la Oficina tenga su sede, tendrá la inspección y vigilancia de su organización, de su presupuesto y de sus finanzas, y efectuará los anticipos necesarios.

C) Las cuentas de la Oficina Interamericana de Radio serán sometidas por el Gobierno del país en donde tenga su sede, a la aprobación de la siguiente Conferencia.

D) La Oficina se establece inicialmente bajo los auspicios del Gobierno de Cuba. Su sede estará en la ciudad de la Habana.

**ARTÍCULO 10. REGLAMENTO INTERNO DE LA O. I. R.**

Esta Convención tiene anexo un Reglamento Interno de la Oficina Interamericana de Radio (Anexo 2), que determina los detalles de la administración interna de ese organismo y que podrá ser modificado sólo por el voto favorable de las dos terceras partes de los Estados representados en una Conferencia.

**Tercera Parte.****DISPOSICIONES ESPECIALES.****ARTÍCULO 11. PRINCIPIOS GENERALES.**

A) Los Gobiernos contratantes reconocen el derecho soberano de las naciones al uso de todos los canales de radiodifusión.

B) Los Gobiernos americanos, con la única condición de que no se causen interferencias a los servicios de otro país, pueden asignar cualquier clase de onda y frecuencia a las estaciones de radio que se hallen bajo su jurisdicción.

C) Sin embargo, los Gobiernos reconocen que, hasta tanto el progreso técnico alcance un estado que permita eliminar las interferencias de radio de carácter internacional, los arreglos regionales son esenciales para fomentar la normalización y disminuir las interferencias.

D) Para la solución de aquellos asuntos que por las características especiales de propagación y condiciones de interferencia de las emisiones radioeléctricas en las distintas Zonas geográficas requieran disposiciones especiales, los Gobiernos contratantes convienen en dividir el Continente americano en tres regiones denominadas: Zona septentrional, Zona central y Zona meridional (Anexo 3 de esta Convención).

#### ARTÍCULO 12. ACUERDOS BILATERALES.

Los Gobiernos contratantes, cuando lo juzguen conveniente, dentro de los límites de esta Convención, concertarán acuerdos bilaterales relativos a la operación de estaciones radiotelegráficas entre sus respectivas naciones, a fin de facilitar las comunicaciones directas entre las mismas.

#### ARTÍCULO 13. ESTACIONES DE VERIFICACION DE FRECUENCIAS.

Los Gobiernos contratantes se obligan a establecer, en el menor término posible, estaciones de verificación de frecuencias.

#### ARTÍCULO 14. INTERCAMBIO DE INFORMES.

Los Gobiernos contratantes que no se hayan obligado a remitir a una Oficina Centralizadora Interamericana los datos relativos a radiocomunicaciones en su territorio, intercambiarán con todos los demás Gobiernos americanos los datos a que se refiere el Artículo 6, inciso B) 2 de esta Convención.

#### ARTÍCULO 15. SEGURIDAD PARA LA VIDA EN EL MAR Y EN EL AIRE.

Para seguridad de la navegación marítima y aérea, los Gobiernos contratantes tomarán las medidas necesarias con el objeto de establecer un servicio adecuado de radio, dependiente del Gobierno o por él autorizado.

#### ARTÍCULO 16. OBLIGACION DE LAS AERONAVES COMERCIALES DE LLEVAR EQUIPO RADIOELECTRICO.

Los Gobiernos contratantes convienen en:

A) Que toda aeronave destinada al transporte de pasajeros, cuando opere en servicio internacional con itinerario fijo, deberá estar provista de aparatos radioeléctricos de transmisión y recepción en condiciones de poder funcionar eficientemente, y a cargo de aporador debidamente titulados.

B) Las aeronaves con itinerario fijo destinadas al transporte internacional de pasajeros y que vuelen sobre el mar, más allá de 75 kilómetros de cualquier costa, deberán estar capacitadas para emitir y recibir en la frecuencia de 500 kc/s para poder establecer comunicación de emergencia con las estaciones del servicio radioeléctrico marítimo.

#### ARTÍCULO 17. ESTABLECIMIENTO DE ESTACIONES AERONAUTICAS RADIOELECTRICAS.

Los Gobiernos contratantes, convienen en tomar, aisladamente o de acuerdo con los países vecinos, las medidas necesarias para establecer un número suficiente de estaciones regionales, operadas o bien autorizadas por él, para proveer la información y seguridad necesarias para el tránsito aéreo y la orientación de las aeronaves.

#### ARTÍCULO 18. COMUNICACIONES DE EMERGENCIA.

Cualquiera estación radiodifusora podrá, con sujeción a las leyes de su país, efectuar comunicaciones de emergencia con otros puntos distintos de los autorizados normalmente, durante un período excepcional en que se haya interrumpido el funcionamiento normal de las comunicaciones como consecuencia de huracanes, inundaciones, terremotos o desastres similares.

#### ARTÍCULO 19. RADIODIFUSION CULTURAL.

Los Gobiernos contratantes tomarán las medidas necesarias para facilitar y fomentar la retransmisión e intercambio de programas internacionales de carácter cultural, educativo e histórico de los países del Continente Americano, por medio de sus respectivas estaciones radiodifusoras.

#### ARTÍCULO 20. RADIOCOMUNICACIONES A MÚLTIPLES DESTINOS.

Los Gobiernos Americanos convienen en que:

A) Los respectivos Gobiernos estimularán la transmisión, diseminación e intercambio rápidos y económicos de noticias e informaciones entre las naciones de América;

B) A las publicaciones informativas y agencias de noticias, se les facilitará el empleo y disfrute de las ventajas de las radiocomunicaciones de prensa a múltiples destinos, ofreciéndoselas a precios mínimos, para lo cual las tarifas podrán basarse en unidades de tiempo invertido en la transmisión u otros medios que resulten similarmente económicos.

C) Deberán gozar de las bajas tarifas y ventajas que derivan de los principios establecidos en los párrafos anteriores, todas las agencias noticiosas y de información debidamente establecidas, los diarios u otras publicaciones periódicas, las estaciones de radiodifusión, revistas cinematográficas, servicios de reproducción tipográficos, pizarras informativas y cualesquiera otros medios de difusión que puedan desarrollarse.



D) Deberá estimularse el uso y desarrollo de dispositivos y métodos que tengan por fin evitar la interceptación no autorizada de noticias de prensa transmitidas por radio a múltiples destinos.

#### ARTÍCULO 21. RETRANSMISIONES.

Los Gobiernos contratantes tomarán las medidas adecuadas para evitar que los programas transmitidos por una estación difusora sean retransmitidos o irradiados, total o parcialmente, por otra estación, sin la previa autorización de la estación de origen.

La estación que retransmita cualquier programa deberá anunciar la retransmisión, y a intervalos convenientes, la naturaleza de la irradiación, la ubicación de la estación de origen, y el indicativo de llamada u otra identificación de ella.

#### ARTÍCULO 22. ESTACIONES CLANDESTINAS.

Los Gobiernos contratantes convienen en prestarse mutuo apoyo para descubrir y suprimir las estaciones emisoras clandestinas.

### Cuarta Parte.

#### DISPOSICIONES GENERALES.

#### ARTÍCULO 23. VIGENCIA Y RATIFICACIONES.

A) La presente Convención será ratificada por los Estados contratantes de conformidad con sus respectivos procedimientos constitucionales.

B) Las Partes Primera, Tercera y Cuarta de la presente Convención entrarán en vigor el primero de Julio de 1938, siempre que en esa fecha hayan sido depositadas ante el Gobierno del país donde esta Conferencia se ha celebrado, dos ratificaciones o adhesiones definitivas. Si en esa fecha no se hubieren depositado dos ratificaciones o adhesiones definitivas, estas Partes de la Convención entrarán en vigor treinta días después de que la segunda ratificación o adhesión definitiva haya sido depositada.

C) Para que entre en vigor la Parte Segunda de esta Convención, será necesario el depósito de la ratificación o adhesión definitiva de Gobiernos Americanos cuyas contribuciones para el sostenimiento de la Oficina Interamericana de Radio, de acuerdo con lo dispuesto por el Artículo 8, inciso B), representen, sumadas, más de la mitad de las unidades establecidas en el Reglamento Interno de la Oficina Interamericana de Radio (Anexo 2, Artículo 7).

D) El Gobierno depositario notificará, a la mayor brevedad posible, a los Estados Americanos las ratificaciones o adhesiones definitivas que reciba.

#### ARTÍCULO 24. ADHESIONES.

Esta Convención queda abierta a la adhesión de todos los países americanos no signatarios.

## ARTÍCULO 25. RATIFICACIONES Y ADHESIONES PARCIALES.

Las ratificaciones o adhesiones a la presente Convención podrán referirse a la totalidad de ella o a dos o más de sus Partes, siempre que en todo caso se ratifique o adhiera a la Primera y a la Cuarta Partes. (Conferencias y Disposiciones Generales).

## ARTÍCULO 26. RECORDATORIOS.

El 1ro. de junio de 1938, y después con intervalos de seis meses, el Gobierno depositario pedirá a los Gobiernos de los Estados Americanos que no hubieren aún ratificado o adherido a la Convención, tengan a bien informar sobre dicha ratificación o adhesión. Estos informes serán transmitidos a todos los demás Gobiernos Americanos.

## ARTÍCULO 27. DENUNCIAS.

A) La presente Convención podrá ser denunciada en su totalidad o separadamente las partes Dos y Tres por una notificación dirigida al Gobierno depositario. Esta notificación surtirá efecto un año después de la fecha en que haya sido recibida, y solo para el Gobierno que la hubiere hecho.

B) El Gobierno depositario notificará a todos los Estados Americanos las denuncias recibidas.

## ARTÍCULO 28. IDIOMAS.

La presente Convención ha sido redactada en español, inglés, portugués y francés, cuyos textos harán fé por igual.

## ARTÍCULO 29. ACUERDOS ESPECIALES.

Los Gobiernos contratantes se reservan el derecho de efectuar acuerdos especiales o regionales que no atañan a los Gobiernos en general. Estos acuerdos, sin embargo, deberán estar dentro de los límites de esta Convención y de los Reglamentos anexos a la misma, en cuanto se relacionen con la interferencia que pudiera resultar de tales acuerdos con los servicios de otros países.

## ARTÍCULO 30. CODIFICACION.

En las próximas Conferencias todas las disposiciones de la presente Convención y de sus Reglamentos que no hayan sido modificadas, se incorporarán con las nuevas normas que se adopten.

## ARTÍCULO 31. ARBITRAJE.

A) Si surgiere controversia entre dos o más Gobiernos contratantes con respecto a la ejecución de la presente Convención, que no pudiere arreglarse por la vía diplomática, será sometida a arbitraje a petición de uno de los Gobiernos en desacuerdo.

B) A menos que las partes en controversia acuerden usar un procedimiento ya establecido por tratados bilaterales o multilaterales

concertados entre ellos para la solución de controversias internacionales, o el procedimiento contemplado en el inciso G del presente artículo, los árbitros serán designados en la forma siguiente:

C) 1. Las partes decidirán de mutuo acuerdo si ha de designarse como árbitros a individuos o a Gobiernos; a falta de acuerdo, se recurrirá a Gobiernos.

2. Si ha de confiarse el arbitraje a individuos, los árbitros no podrán ser de la nacionalidad de ninguna de las partes interesadas en la controversia.

3. Si ha de encargarse a Gobiernos, éstos deberán ser escogidos entre las partes adherentes al acuerdo cuya aplicación haya provocado la controversia.

D) La parte que apele al arbitraje será denominada la demandante. Esta designará un árbitro y comunicará su elección a la parte contraria. La demandada deberá entonces designar un segundo árbitro dentro de un plazo de dos meses, a contar de la fecha en que reciba la notificación de la demandante.

E) Si se tratare de más de dos partes, cada grupo de demandantes o demandados procederá a designar un árbitro de acuerdo con el procedimiento previsto en el inciso D.

F) Los dos árbitros así designados se pondrán de acuerdo para nombrar un tercero en discordia, quién, si los árbitros son individuos en vez de Gobiernos, no podrá ser de la nacionalidad de ninguno de los árbitros ni de ninguna de las partes. Si los árbitros no pueden llegar a un acuerdo en cuanto a la designación del tercero en discordia, cada árbitro propondrá a uno que no esté interesado en la controversia.

Se sortearán en seguida los terceros en discordia que hayan sido propuestos. El representante de un Gobierno americano, no interesado en la controversia, escogido por los dos árbitros, efectuará el sorteo.

G) Finalmente, las partes en desacuerdo tendrán la opción de someter su controversia a un solo árbitro. En este caso, o se pondrán de acuerdo respecto a la elección del árbitro o le nombrarán de acuerdo con el método indicado en el inciso F.

H) Los árbitros determinarán libremente el procedimiento.

I) Cada una de las partes sufragará los gastos que le ocasione la instrucción del juicio arbitral. Las expensas del arbitraje serán repartidas por igual entre las partes interesadas.

En fé de lo cual, los respectivos Plenipotenciarios han firmado sendos ejemplares de este instrumento en español, inglés, portugués y francés, los cuales quedarán depositados en los archivos del Gobierno de Cuba, que enviará copia autenticada de ellos, en cada uno de los idiomas, a los demás Gobiernos contratantes.

Hecha en la ciudad de la Habana, República de Cuba, el 13 de diciembre de 1937.

#### RESERVAS DEL BRASIL

El Gobierno de los Estados Unidos del Brasil, ha autorizado al Jefe de su Delegación en la I Conferencia Interamericana de Radio, a

firmar "ad-referendum" los Acuerdos Internacionales que acaba de adoptar la Conferencia, bajo la reserva de que el Gobierno del Brasil solo confirmará los mismos en el caso de que sus disposiciones no estén en contradicción con el Acuerdo sudamericano de Rio de Janeiro y su Reglamento Interno, ni con cualesquiera otros compromisos Internacionales ya contraidos por el Gobierno Brasileño.

HABANA, 13 de Diciembre de 1937.

BRASIL:

El Delegado del Brasil firma "ad-referendum"  
con las reservas que más arriba se consignan.  
José Roberto de Macedo-Soares.

CANADA:

Laurent Beaudry.  
C. P. Edwards.

COLOMBIA:

Jorge Soto del Corral.  
Ricardo Gutiérrez Lee y Rivero.

CUBA:

Wifredo Albanés y Peña.  
Andrés Asensio y Carrasco.  
Nicolás González de Mendoza y de la Torre.  
Alfonso Hernández Catá y Galt.

CHILE:

Emilio Edwards Bello.

REPUBLICA DOMINICANA:

Roberto Despradel.  
Máximo Lovatón P.

ESTADOS UNIDOS DE AMERICA:

T. A. M. Craven.

GUATEMALA:

Arturo Cóbar L.

HAITI:

Justin Barau.

MEXICO:

Ignacio Galindo.  
Salvador Tayabas.  
Fernando Sánchez Ayala.  
Rubén Fuentes.

NICARAGUA:

Guillermo Arguedas.

PANAMA:

Ernesto B. Fábrega.

PERU:

Carlos A. Tudela.

URUGUAY:

César Gorri.

VENEZUELA:

Alberto Smith.

## ANEXO 1

A la Convención Interamericana Sobre Radiocomunicaciones  
Suscrita en la Habana, el 13 de Diciembre de 1937.REGLAMENTO INTERNO DE LAS CONFERENCIAS INTERAMERICANAS  
DE RADIO.

## INDICE.

## CAPITULO I. DEFINICIONES.

Art. 1. Gobiernos Americanos, Delegados y Representantes.

## CAPITULO II. ORGANIZACION DE LAS CONFERENCIAS.

Art. 2. Funcionarios de la Conferencia.

Art. 3. Atribuciones de los funcionarios.

Art. 4. De las Comisiones.

Art. 5. Miembros de las Comisiones.

Art. 6. De la Organización de las Comisiones.

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Art. 10. Votación.

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Art. 12. Sesiones de las Comisiones.

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*Capítulo I.*

## DEFINICIONES.

## ART. 1. GOBIERNOS AMERICANOS, DELEGADOS Y REPRESENTANTES.

Cuando en la Convención Interamericana sobre Radiocomunicaciones de la cual este Reglamento es parte, y en este mismo Reglamento se mencionen las expresiones Gobiernos Americanos, Delegados y Representantes, se entenderá por:

A) *Gobiernos Americanos*; Los Gobiernos de los Estados del Continente Americano;

B) *Delegados*; Las personas oficialmente nombradas por los Gobiernos participantes, con poderes suficientes para actuar en su nombre;

C) *Representantes*; Los miembros de las instituciones ú organismos públicos o privados, o individuos interesados notoriamente en las radiocomunicaciones, que sean autorizados por un Gobierno para observar los trabajos de las Conferencias, los cuales no tendrán voz ni voto, pudiendo exponer sus puntos de vista solamente por intermedio de la Delegación de su respectivo país.

Sin embargo, en asuntos técnicos, los representantes tendrán voz en las Comisiones, previa autorización expresa de su Delegación.

*Capítulo II.*

## ORGANIZACION DE LAS CONFERENCIAS.

## ART. 2. FUNCIONARIOS DE LA CONFERENCIA.

A) *Presidente Provisional*: El Gobierno Organizador nombrará al Presidente provisional, el cual presidirá la sesión inaugural y con-

tinuará ejerciendo sus funciones hasta que la Conferencia elija su Presidente Permanente.

B) *Presidente Permanente*: El Presidente permanente será elegido por el voto de la mayoría absoluta de las Delegaciones presentes en la Conferencia;

C) *Vicepresidente*: En la primera sesión se sorteará el orden de precedencia de las Delegaciones y, en este orden, los Presidentes de las Delegaciones serán Vicepresidentes y reemplazatan al Presidente en su ausencia;

D) *Secretario General*: El Secretario General de la Conferencia será nombrado por el Gobierno Organizador.

#### ART. 3. ATRIBUCIONES DE LOS FUNCIONARIOS.

A) *Presidente*: El Presidente dirigirá las labores de la Conferencia; abrirá, suspenderá y levantará las sesiones; concederá la palabra en el orden que le haya sido solicitada; declarará la clausura de las discusiones; someterá a votación los asuntos; anunciará el resultado de los escrutinios; y cuidará el cumplimiento de los Reglamentos:

B) *Vicepresidente*: En caso de ausencia del Presidente, los Vicepresidentes, en el orden de precedencia establecido en el artículo 2, inciso C, asumirán y ejercerán sus funciones;

C) *Secretario General*: El Secretario General tendrá las siguientes atribuciones:

1. Organizar, dirigir y coordinar el trabajo del personal designado para la Secretaría;

2. Recibir la correspondencia oficial de la Conferencia y darle curso;

3. Ser el intermediario entre las Delegaciones y el Gobierno Organizador en todos los asuntos relativos a la Conferencia;

4. Preparar y distribuir las actas de las sesiones, y la información y documentos de la Conferencia y, de acuerdo con instrucciones del Presidente, redactar las ordenes del día.

D) *Secretaría*: El Gobierno Organizador designará el personal de la Secretaría de la Conferencia, el cual estará bajo la dirección del Secretario General.

#### ART. 4. DE LAS COMISIONES.

Se organizarán Comisiones para el más eficaz funcionamiento de la Conferencia, el estudio adecuado de los temas de su Programa y la simplificación de sus labores. Las comisiones someterán el resultado de sus trabajos a la aprobación de las Sesiones Plenarias de la Conferencia. Las comisiones podrán variar para adaptarse al Programa, pero las siguientes representan, en principio, los tipos que habrán de establecerse:

- (A) De Iniciativas;
- (B) De Credenciales;
- (C) Técnica;
- (D) Jurídico-Administrativa; y
- (E) De Redacción.

#### ART. 5. DE LOS MIEMBROS DE LAS COMISIONES.

A) La Comisión de Iniciativas estará compuesta por los Presidentes de las Delegaciones o sus sustitutos y deberá ser presidida por el Presidente de la Conferencia;

B) En la primera sesión plenaria, la Conferencia, a propuesta del Presidente, elegirá una Comisión de Credenciales, compuesta de cinco miembros;

C) Las demás comisiones se compondrán de Delegados, de acuerdo con las designaciones efectuadas por los Presidentes de las respectivas delegaciones, comunicadas al Presidente permanente. Los representantes podrán asistir y participar en las sesiones de las comisiones de acuerdo con las asignaciones hechas por los Presidentes de sus respectivas delegaciones y de conformidad con el Artículo 1 C);

D) Las comisiones pueden invitar a participar en sus trabajos a aquellas personas naturales o jurídicas cuyos consejos o exposiciones puedan considerarse de valor.

#### ART. 6. DE LA ORGANIZACION DE LAS COMISIONES.

A) Cada comisión será presidida, en su sesión de organización, por el Presidente permanente de la Conferencia y en esa sesión serán elegidos de entre sus miembros, un Presidente y un Vicepresidente;

B) El Presidente de cada comisión podrá nombrar uno o mas relatores;

C) Cada comisión podrá nombrar las subcomisiones que estime conveniente.

#### ART. 7. DE LAS FUNCIONES DE LAS COMISIONES.

A) *La Comisión de Iniciativas*, coordinará los trabajos de la Conferencia; resolverá las cuestiones de orden interior que se relacionen con la Conferencia, y los asuntos que se le transmitan por otras comisiones o por la Secretaría; decidirá por dos tercios de los votos, sobre los nuevos temas presentados por las delegaciones, de que deba ocuparse la Conferencia, y especialmente, asesorará al Presidente permanente en los asuntos no comprendidos en este Reglamento interno.

B) *La Comisión de Credenciales* examinará las credenciales presentadas por los miembros de las Delegaciones, cerciorándose de que estén en buena y debida forma e informará, sin demora, á la Conferencia;

C) *La Comisión Técnica* tendrá a su cargo el estudio de todos los aspectos técnicos relativos a radiocomunicaciones y todas las demás materias que envuelvan prácticas de ingeniería, incluidas en el Programa de la Conferencia;

D) *La Comisión Jurídico-Administrativa* tendrá a su cargo el estudio de todos los aspectos jurídico de los temas del programa, así como también de todos los asuntos que tengan carácter esencialmente administrativo. Como comisión jurídica, fijará la terminología definitiva que haya de usarse en todos los acuerdos o resoluciones, relacionados no sólo con los temas que estén bajo su inmediata jurisdicción, sino con todos los asuntos que emanen de otras comisiones de la Conferencia;

E) *La Comisión de Redacción* estará encargada de la redacción definitiva de los Acuerdos y Resoluciones de la Conferencia, sin alterar el sentido de los mismos, con el propósito de prevenir las duplicaciones o repeticiones, en cuyo caso esos documentos serán devueltos a la comisión de origen para su corrección.

## F) Los relatores de las Comisiones:

a) Abrirán la discusión de los temas en estudio y presentarán informes que contengan los antecedentes y un análisis de los distintos aspectos de los asuntos; estos informes servirán de base para la discusión.

b) Al terminarse las discusiones, resumirán los debates en un informe, y redactarán, de conformidad con la opinión de la mayoría de cada Comisión, el proyecto que, una vez aprobado por la Comisión, será sometido a la Conferencia.

c) La minoría de cualquier comisión tendrá derecho a nombrar un relator, quien presentará a la Conferencia las opiniones de la minoría y los proyectos redactados por esta última.

*Capítulo III*

## IDIOMAS OFICIALES.

## ART. 8. ESPAÑOL, INGLÉS, PORTUGUÉS Y FRANCÉS.

Los idiomas oficiales de la Conferencia serán el español, el inglés, el portugués y el francés. El Gobierno Organizador tomará todas las medidas necesarias para asegurar el cumplimiento de esta disposición.

*Capítulo IV.*

## QUORUM Y VOTACION.

## ART. 9. QUORUM.

Para que haya quorum en las sesiones plenarias de la Conferencia, deberá asistir la mayoría de las delegaciones, representadas por uno o más de sus delegados.

Para que haya quorum en las sesiones de las comisiones, la mayoría de las delegaciones deberá asistir, representada por alguno de sus delegados.

## ART. 10. VOTACION.

A) La votación se efectuará sobre la base de un solo voto por cada Estado que reúna los siguientes requisitos:

- I población permanente.
- II territorio determinado.
- III gobierno.
- IV capacidad para entrar en relaciones con los demás Estados.

Los países o territorios que no posean esos requisitos podrán tener voz mas no voto en las Conferencias; pero los acuerdos resultantes de las Conferencias estarán abiertos a su adhesión por medio de los respectivos Gobiernos metropolitanos.

B) El voto de cada Delegación en las sesiones plenarias y en las de las comisiones deberá ser emitido por el Presidente de la Delegación u otro miembro que actúe en su nombre.

C) Las Delegaciones deberán ser llamadas a votar por el orden alfabético del nombre de sus respectivos Estados, expresado en el idioma español.



D) Las proposiciones y modificaciones serán adoptadas solamente cuando obtengan la mayoría de los votos emitidos. En caso de empate se considerarán rechazadas.

### *Capítulo V.*

## PROCEDIMIENTO.

### ART. 11. SESIONES PLENARIAS

A) La sesión inaugural de la Conferencia se celebrará en la fecha y lugar designados por el Gobierno Organizador, y las demás sesiones se efectuarán en las fechas que determine la Conferencia.

B) Al reunirse una sesión plenaria se leerán, sometiéndolas a su aprobación, las actas de las sesiones anteriores, excepto la de la sesión plenaria inaugural, salvo que las delegaciones acuerden unánimemente prescindir de su lectura.

C) Las actas de las sesiones plenarias serán redactadas por el personal de la Secretaría General. Solamente aparecerán en las actas, en forma breve, las opiniones y proposiciones con sus fundamentos, conjuntamente con un relato sumario de los debates.

No obstante, cualquier delegado, puede solicitar la inserción en las actas, en forma extensa, de sus declaraciones; pero en este caso, suministrará a la Secretaría, inmediatamente después de terminada la sesión plenaria, el texto correspondiente.

D) Los delegados podrán presentar a la Conferencia, por escrito, sus opiniones sobre asuntos sujetos a discusión, y solicitar que sean añadidas a las actas de la sesión en que hayan sido suministradas.

E) Las sesiones plenarias de la Conferencia serán de carácter público. A moción de cualquier delegado las sesiones podrán declararse privadas, por mayoría de votos. Esta moción tendrá precedencia y no estará sujeta a debate.

F) La Conferencia podrá prescindir del procedimiento usual y pasar a considerar un asunto por voto de las dos terceras partes de las delegaciones presentes, excepto en el caso de una cuestión nueva en que serán observadas en todo caso, las reglas de procedimiento prescritas en el artículo 13.

G) Las enmiendas serán sometidas a discusión y votadas antes que la moción que se pretenda enmendar.

H) Las actas de las sesiones plenarias deberán ser firmadas por el Presidente y el Secretario General.

I) En la sesión plenaria de clausura se firmarán los acuerdos y resoluciones adoptados por las diversas comisiones de la Conferencia, y se señalará el país donde deba reunirse la próxima Conferencia y la fecha en que haya de celebrarse.

### ART. 12. DE LAS SESIONES DE LAS COMISIONES.

A) El procedimiento para las sesiones plenarias será también observado en las sesiones de las comisiones, en cuanto sea posible.

B) Las actas de las sesiones de las comisiones deberán ser firmadas por el Presidente y el Secretario.

*Capítulo VI.*

## NUEVOS ASUNTOS.

## ART. 13. REGLAS DE PROCEDIMIENTO.

Si alguna Delegación propusiere a la consideración de la Conferencia un tema no incluido en el Programa, el nuevo tema pasará al estudio de la Comisión de Iniciativas y despues de que se presente y acepte un informe por el voto de las dos terceras partes de las Delegaciones de la Conferencia se transmitirá a la Comisión correspondiente.

## ANEXO 2

A la Convencion Interamericana Sobre Radiocomunicaciones  
Suscrita en la Habana, el 13 de Diciembre, 1937.

REGLAMENTO INTERNO DE LA OFICINA INTERAMERICANA DE RADIO.  
(O. I. R.)

## INDICE.

- Art. 1. Administración.
- Art. 2. Nombramiento del primer Director.
- Art. 3. Personal de la Oficina.
- Art. 4. Presupuesto.
- Art. 5. Distribución del Presupuesto.
- Art. 6. Cuentas.
- Art. 7. Contribuciones a la O. I. R.

## ARTÍCULO 1. ADMINISTRACION.

La Oficina Interamericana de Radio estará a cargo de un Director que será nombrada por la Conferencia Interamericana de Radio, a propuesta de una comisión especial de la misma Conferencia.

## ARTÍCULO 2. NOMBRAMIENTO DEL PRIMER DIRECTOR.

El primer Director será nombrado por el Gobierno de Cuba.

## ARTÍCULO 3. PERSONAL DE LA OFICINA.

El Director nombrará los Auxiliares y funcionarios competentes, incluyendo los intérpretes y traductores que se requieran para el trabajo de la oficina.

## ARTÍCULO 4. PRESUPUESTO.

El Director presentara anualmente al Gobierno del país en donde tenga su sede la Oficina, un proyecto de presupuesto de rentas y gastos para el año siguiente.

Aprobado el presupuesto por el mencionado Gobierno, será comunicado a los demás Gobiernos participantes, indicándoles la cuota que a cada uno de ellos corresponda, de acuerdo con la distribución hecha en el Artículo 7.

## ARTÍCULO 5. DISTRIBUCION DEL PRESUPUESTO.

Los sueldos del personal de la Oficina no excederán las dos terceras partes del presupuesto anual.

## ARTÍCULO 6. CUENTAS.

El Director tendrá a su cargo la recaudación y empleo de los fondos de la Oficina.

Deberá presentar mensualmente al Gobierno del país sede de la misma una relación de ingresos y egresos; y semestralmente las cuentas generales de la administración.

Dicho Gobierno, después de examinarlas, las someterá a la consideración de la Conferencia subsiguiente.

#### ARTÍCULO 7. CONTRIBUCION A LA O. I. R.

De acuerdo con el Artículo 8 (B) de la Convención, las contribuciones de los Estados del continente Americano se distribuyen en las siguientes categorías:

Categorías.	I	II	III	IV	V	VI
Unidades	25	20	15	10	5	3
Países	Argentina Canadá. Estados Unidos de America.		Brasil. México.	Cuba.	Colombia. Chile. Perú. Venezuela.	Bolivia. Costa Rica. República Dominicana. Ecuador. Guatemala. Haití. Honduras. Nicaragua. Panamá. Paraguay. Salvador. Uruguay.

### ANEXO 3

#### A la Convencion Interamericana Sobre Radiocomunicaciones Suscrita en la Habana, el 13 de Diciembre de 1937.

Para los efectos del Artículo 11, Inciso D) de la Convención Interamericana sobre Radiocomunicaciones, se entiende por:

**ZONA SEPTENTRIONAL:** la que comprende los países situados al Norte de Guatemala y al Norte de la costa Sur de la República Dominicana y de Haití;

**ZONA CENTRAL:** la que comprende los países y porciones de países situados al Sur de México y al Sur de la costa meridional de la República Dominicana y de Haití, hasta el paralelo 5° de latitud Sur; y

**ZONA MERIDIONAL:** la que comprende los países y porciones de países situados al Sur del paralelo 5° de latitud Sur.

## INTER-AMERICAN RADIOCOMMUNICATIONS CONVENTION

concluded at Havana, on December 13th, 1937 among the Govern-  
ments of the States named below:

Contracting govern-  
ments.

Brazil, Canada, Colombia, Cuba, Chile,	Dominican Republic, United States of America, Guatemala, Haiti, Mexico,	Nicaragua, Panama, Peru, Uruguay and Venezuela.
--	---	---

The governments named above, recognizing the benefits of coopera-  
tion and mutual understanding resulting from the exchange of views  
with respect to radiocommunications, have designated the undersigned  
plenipotentiaries to the first Inter-American Radio Conference, held  
in the City of Havana, Republic of Cuba, who by common consent and  
subject to ratification, have concluded the following Convention, in  
conformity with the provisions of the International Telecommunica-  
tions Convention of Madrid, 1932.

Purpose.

49 Stat. 2391.

### Part One

#### CONFERENCES

##### ARTICLE 1. OBJECTIVE

The contracting governments agree to meet periodically in con-  
ferences of plenipotentiaries for the purpose of resolving by common  
understanding such problems as may arise in the field of radiocom-  
munications in the American continent.

Conferences; objec-  
tive

##### ARTICLE 2. COMPOSITION OF THE CONFERENCES

The conferences shall be composed, as provided in the Internal  
Regulations of the Inter-American Radio Conferences, (Annex 1 of  
this Convention), of the delegates of all the Governments of the  
American Continent which agree to attend.

Composition of the  
conferences.  
*Post*, p. 1602.

Representatives of institutions and organizations associated with  
radiocommunications, of enterprises or groups of enterprises and  
bodies or persons engaged in the operation of radio services may also  
attend, as observers, provided they are authorized by their respective  
Governments.

Observers.

##### ARTICLE 3. VOTING

A) Only one vote shall be had in the Conferences by each State  
that meets the following qualifications:

Qualifications for  
voting, etc.

- I a permanent population;
- II a defined territory;
- III government;
- IV capacity to enter into relations  
with the other States.

B) Countries or territories not possessing these qualifications may have voice but no vote in the conferences; but agreements resulting from the conferences shall be open for their adherence through the medium of their respective home governments.

#### ARTICLE 4. PLACE AND DATE OF CONFERENCES

Place and date of conferences.

The conferences shall be held at intervals not greater than three years. The country and the date at which each conference is to meet shall be fixed by the preceding conference. However, the date scheduled for a meeting may be advanced or postponed by the organizing government at the request of five or more participating governments.

The government of the country in which the conference is scheduled to be held, hereafter referred to as the organizing government, shall fix the place and the final date of the meeting and shall send out the invitations for attendance through the customary diplomatic channels, at least six months in advance.

#### ARTICLE 5. INTERNAL REGULATIONS FOR CONFERENCES

Internal regulations for conferences.  
*Post*, p. 1602.

This convention has annexed Internal Regulations for the Inter-american Radio Conference (Annex 1) which establish the procedure to be followed at the meetings and which may be amended only by the affirmative vote of two-thirds of the states participating at the Conference in question.

### Part Two

#### INTER-AMERICAN RADIO OFFICE, (O. I. R.)

#### ARTICLE 6. OBJECT

Inter-American Radio Office (OIR), establishment, and object.

The contracting governments agree:

(A) To establish the Inter-American Radio Office, (OIR), as an Inter-American organization of a consultative character which shall centralize and facilitate, among the administrations of the American countries, the interchange and circulation of information relative to radiocommunications in all their aspects, and collaborate in the organization of the conferences mentioned in Part One of this convention; and

(B) 1.—To communicate at the proper time to the Inter-American Radio Office all provisions of internal and international radio legislation and the regulations in force in their territories, and such amendments as may be introduced in these provisions; as well as statistical, technical and administrative reports relative thereto; and

2.—Specifically, to transmit to the OIR every six months an official list of the frequencies assigned by them to all broadcasting stations and to notify monthly all changes and additions thereto.

Such notification shall be made in accordance with the procedure adopted in the current General Radio Regulations annexed to the International Telecommunication Convention and shall also include:

- a. Power actually in use.
- b. Maximum contemplated power.
- c. Hours of transmission.

The required notifications referred to shall be made in all cases, independently of the usual notification sent to the Bureau of the International Telecommunication Union.

#### ARTICLE 7. FUNCTIONS

The Inter-American Radio Office shall be charged with:

Functions.

(A) the preparatory work of conferences and the work resulting from their decisions;

(B) providing in accord with the organizing government concerned, the Secretariat of the conferences;

(C) the issuance of such publications as may be established by conferences;

(D) the publication and circulation of technical information other than that resulting from conferences, including the exchange of data relating to the accuracy and stability of frequencies, to interference or other disturbances observed in the territories of the contracting countries, and such other studies as may be carried on, such as the propagation of waves, the general characteristics of antennas, etc.; also the exchange of documents of a legal nature, treaties and general information designed for a better understanding and raising of the standards of radiocommunications in the American continent;

(E) the submission of an annual report of its work, which shall be communicated to all contracting governments;

(F) the performance of such other duties as may pertain to it or be assigned to it by the conferences.

#### ARTICLE 8. MAINTENANCE OF THE OFFICE

(A) The general expenses of the Inter-American Radio Office shall not exceed the sum of Twenty Five Thousands Dollars (\$25,000.00) currency of the United States of America, per annum.

Office maintenance expenses.

(B) In order to defray these expenses each of the American governments agrees to contribute in proportion to a certain number of units corresponding to the category to which it belongs, as provided in the Internal Regulations of the O. I. R. For this purpose six categories are established with the units assigned to each as shown below:

Post, p. 1607.

Categories:	I	II	III	IV	V	VI
Units:	25	20	15	10	5	3

(C) The general expenses will not include the expenses incidental to the work of conferences, which shall be borne by the organizing government.

(D) The funds required for the Office shall be payable half yearly in advance by the governments forming part of the Inter-American Radio Office. If any country is in arrears of payment the government of the country in which the Office is located shall advance amounts as required. The sums thus advanced must be reimbursed by the debtor governments as soon as possible and at the latest at the expiration of the fourth month following the date on which payments are due.

## ARTICLE 9 SEAT AND SUPERVISION OF THE OFFICE

Seat and supervision of the office.

(A) The seat of the Inter-American Radio Office and appointment of Director will form a subject of the Agenda for each conference.

(B) The Government of the country where the Office has its seat shall exercise general supervision over its organization, budget and finances and make the necessary advances of funds.

(C) The accounts of the Inter-American Radio Office shall be submitted by the Government where the Office is located to the next succeeding conference for approval.

(D) The Office is placed initially under the auspices of the Government of Cuba. Its headquarters shall be in the city of Havana.

## ARTICLE 10. INTERNAL REGULATIONS FOR O. I. R.

Internal Regulations for O. I. R.  
Post, p. 1907.

This Convention has annexed Internal Regulations of the Inter-American Radio Office (Annex 2), which provide the details for the internal administration of this organization and which may be amended only by the affirmative vote of two-thirds of the States represented at a conference.

## Part Three

## SPECIAL PROVISIONS.

## ARTICLE 11. GENERAL PRINCIPLES

Recognition of sovereign rights over broadcasting channels.  
Assignment of frequencies, etc.

(A) The contracting Governments recognize the sovereign right of all nations to the use of every radio broadcasting channel.

(B) The American Governments, upon the sole condition that no interference will be caused to the services of another country, may assign any frequency and any type of wave to any radio station under their authority.

Regional arrangements.

(C) Nevertheless, the Governments recognize that, until technical development reaches a state that permits the elimination of radio interference of international character, regional arrangements are essential in order to promote standardization and to minimize such interference.

Geographical zones.

(D) For the solution of those problems which, because of special propagation characteristics and interference conditions of radio transmission in the various geographical zones require special provisions, the contracting Governments agree to divide the American continent into three regions, designated as the northern zone, the central zone, and the southern zone (Annex 3)

Post, p. 1608.

## ARTICLE 12. BILATERAL AGREEMENTS

Bilateral agreements.

The contracting governments whenever they shall deem it desirable within the scope of this convention shall negotiate bilateral agreements concerning the operation of radiotelegraph stations as between their respective nations in order to facilitate direct communication.

## ARTICLE 13. FREQUENCY MEASURING STATIONS

Frequency measuring stations.

The contracting governments agree to establish frequency measuring stations as soon as possible.

## ARTICLE 14. EXCHANGE OF INFORMATION

The contracting governments which have not undertaken to communicate data relating to radiocommunications to an Inter-American centralizing office, shall interchange with all the other American governments the data referred to in Article 6, paragraph B (2), of this Convention.

Exchange of information.

## ARTICLE 15. SAFETY OF LIFE AT SEA AND IN THE AIR

The contracting Governments shall take appropriate measures to ensure the maintenance of an adequate radio service, operated or licensed by the Government for the safety of navigation by sea and air.

Safety of life at sea and in the air.

## ARTICLE 16. OBLIGATION OF ALL COMMERCIAL AIRCRAFT TO CARRY RADIO EQUIPMENT

The contracting Governments agree that:

(A) All aircraft when operating on International scheduled services and carrying passengers shall compulsorily be provided with radio apparatus, both sending and receiving, which must be in efficient operating condition and in charge of properly licensed operators; and

Commercial aircraft, obligation to carry radio equipment.

(B) Aircraft used for the transportation of passengers on international scheduled services making journeys over the sea beyond seventy five kilometers from any coast, shall be able to transmit and receive on the frequency of 500 kc/s. for the purpose of establishing emergency communication with stations in the marine radio service.

## ARTICLE 17. ESTABLISHMENT OF AERONAUTICAL RADIO STATIONS

The contracting Governments agree independently or in accord with neighbouring countries to take the steps necessary to establish a sufficient number of regional stations, operated or licensed by the Government, to furnish meteorological and safety information necessary for air traffic and aircraft guidance.

Aeronautical radio stations, establishment.

## ARTICLE 18. EMERGENCY COMMUNICATIONS

Subject to the internal regulations of each country, any radio transmitting station, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, carry on emergency communication with points other than those normally authorized.

Emergency communications.

## ARTICLE 19. CULTURAL BROADCASTING

The contracting governments shall take the necessary measures in order to facilitate and promote the retransmission and exchange of international cultural, educational and historical programs of the countries of the American continent by their respective broadcasting stations.

Cultural broadcasting.



## ARTICLE 20. PRESS TRANSMISSIONS TO MULTIPLE DESTINATIONS

The contracting Governments agree that:

Press transmissions  
to multiple destina-  
tions.

(A) The respective governments shall encourage the rapid and economical transmission, dissemination and interchange of news and information among the nations of America;

(B) Informative publications and news agencies be granted the use and enjoyment of the advantages of press radiocommunications to multiple destinations, these being offered at minimum prices, for which the tariffs may be based on units of time devoted to the transmission, or other means similarly economical;

(C) The low rates and other advantages, deriving from the principles established in the foregoing paragraphs of this article be enjoyed by all regularly constituted news and information agencies, newspapers and other periodicals, broadcast stations, news reels, news by printer services, bulletin boards, and any other proper means which may be developed;

(D) Encouragement should be given to the use and development of devices and methods designed to prevent unauthorized interception of press radio multiple address transmissions.

## ARTICLE 21. RETRANSMISSIONS

Retransmissions.

The contracting Governments shall take appropriate measures to ensure that no program transmitted by a broadcasting station may be retransmitted or rebroadcast, in whole or in part, by any other station without the previous authorization of the station of origin.

The rebroadcasting station shall announce at suitable periods during the retransmission the nature of the broadcast, the location and the official call letters or other identification of the station of origin.

## ARTICLE 22. CLANDESTINE STATIONS

Clandestine sta-  
tions.

The contracting Governments agree to give mutual support in discovering and suppressing clandestine transmitting stations whenever this becomes necessary.

## Part Four

## GENERAL PROVISIONS

## ARTICLE 23. ENTRY INTO FORCE OF THE CONVENTION AND RATIFICATION

Ratification.

A) The present Convention shall be ratified by the contracting States in conformity with their respective constitutional procedures.

Entry into force,  
Parts 1, 3, and 4.  
*Amte*, pp. 1593, 1596.

B) Parts One, Three and Four of the present Convention shall come into force on the first day of July, 1938, if at that date two ratifications or final adherences have been deposited with the government of the country where the conference was held. If two ratifications or final adherences have not been deposited on that date those Parts of the Convention shall come into force thirty days after the second ratification or adherence has been deposited.

C) In order that Part Two of this Convention shall come into force, it will be necessary that the ratifications or final adherences deposited by the American governments shall represent, when added together, more than one-half of the contributory units established for the maintenance of the Inter-American Radio Office (O. I. R.), in accordance with Article 8, paragraph B, of this Convention, as classified in the Internal Regulations of the O. I. R. (Annex 2, article 7).

Part 2.  
*Ante*, p. 1594.

*Ante*, p. 1595; *post*,  
p. 1605.

D) The depository government shall notify, as soon as possible, the ratifications and adherences which are received to all the governments of the States of the American Continent.

Notices by depository government.

#### ARTICLE 24. ADHERENCES

This Convention shall be open to adherence by all non-signatory American countries.

Adherences.

#### ARTICLE 25. DIVISIBILITY OF CONVENTION

The ratifications or adherences to the present Convention may refer to the totality thereof or to two or more of its parts; provided that, in every case Parts One and Four (Conferences and General Provisions) be ratified or adhered to.

Divisibility of convention.

*Ante*, pp. 1593, 1595.

#### ARTICLE 26. REPORTS OF RATIFICATIONS AND ADHERENCES

On June 1, 1938, and subsequently at intervals of six months, the depository government shall request those governments of the Americas which may not have ratified or adhered to this Convention, to report regarding such ratification or adherence. These reports shall be communicated to all the other governments of the American Continent.

Reports of ratifications and adherences.

#### ARTICLE 27. DENUNCIATION

A) This Convention may be denounced in its entirety, or Parts Two and Three separately, by notice addressed to the depository government. This notice shall become effective one year after date of receipt thereof, and shall be effective only for the Government denouncing.

Denunciation.

B) The depository government shall notify all the governments of the States of the Americas of the denunciations received.

Notification.

#### ARTICLE 28. LANGUAGES

The present Convention has been drafted in Spanish, English, Portuguese and French, all of which shall be authentic.

Languages.

#### ARTICLE 29. SPECIAL AGREEMENTS

The contracting governments reserve for themselves the right to make special or regional agreements which do not concern the governments in general. These agreements, however, must be within the limits of this Convention and the Regulations annexed thereto so far as concerns the interference which may result from such agreements with the services of the other countries.

Special or regional agreements.

Restriction.

## ARTICLE 30. CODIFICATION

## Codification.

At future conferences all provisions of this Convention remaining unchanged shall be included with the new provisions that may be adopted.

## ARTICLE 31. ARBITRATION

## Arbitration provisions.

A) In case of disagreement between two or more contracting governments concerning the execution of the present Convention, the dispute, if it is not settled through diplomatic channels, shall be submitted to arbitration at the request of one of the governments in disagreement.

B) Unless the parties in disagreement agree to adopt a procedure already established by bilateral or multilateral treaties concluded among them for the settlement of international disputes or the procedure provided for in Paragraph G of this article, arbitrators shall be appointed in the following manner:

C) (1) The parties shall decide, by mutual agreement, whether the arbitration is to be entrusted to individuals or to governments; failing an agreement on this matter, governments shall be resorted to.

(2) In case the arbitration is to be entrusted to individuals the arbitrators must not be of the same nationality as any one of the parties concerned in the dispute.

(3) In case the arbitration is to be entrusted to governments, the latter must be chosen from among the parties adhering to the agreement, the application of which caused the dispute.

D) The party appealing to arbitration shall be considered as the plaintiff. This party shall designate an arbitrator and notify the opposing party thereof. The defendant must then appoint a second arbitrator, within two months after the receipt of plaintiff's notification.

E) If more than two parties are involved, each group of plaintiffs or of defendants shall appoint an arbitrator, observing the same procedure as in Paragraph (D).

F) The two arbitrators thus appointed shall agree in designating an umpire who, if the arbitrators are individuals and not governments, must not be of the same nationality as either of them or either of the parties involved. Failing an agreement of the arbitrators as to the choice of the umpire, each arbitrator shall propose an umpire in no way concerned in the dispute.

Lots shall then be drawn between the umpires proposed. The representative of an American government, not interested in the dispute, selected by the two arbitrators, will draw the lots.

G) Finally, the parties in dispute shall have the right to have their disagreement settled by a single arbitrator. In this case, either they shall agree on the choice of the arbitrator, or the latter shall be designated in conformity with the method indicated in Paragraph (F).

H) The arbitrators shall be free to decide on the procedure to be followed.

I) Each party shall bear the expenses it shall have incurred in the investigation of the dispute. The cost of the arbitration shall be apportioned equally among the parties involved.

In witness whereof, the respective delegates have signed copies of this instrument, one each in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Cuba, which shall forward an authenticated copy thereof in each language to the other contracting Governments.

Done in the city of Havana, Republic of Cuba, on the 13th. day of December, 1937.

#### RESERVATIONS OF BRAZIL

The Government of the United States of Brazil has authorized the Chief of its Delegation to the First Inter-American Radio Conference to sign "ad-referendum" the International Agreements just adopted by the Conference, under the reservation that the Government of Brazil will only ratify same, in case their provisions are not in conflict with the South American Agreement of Rio Janeiro and its Internal Regulations, nor with any other International Commitments already entered into by the Brazilian Government.

HAVANA, *December 13th, 1937.*

#### BRAZIL:

The Brazilian Delegate signs "Ad-Referendum" with the reservations as stated above.  
José Roberto de Macedo-Soares.

Signatures.

#### CANADA:

Laurent Beaudry.  
C. P. Edwards.

#### COLOMBIA:

Jorge Soto del Corral.  
Ricardo Gutiérrez Lee y Rivero.

#### CUBA:

Wifredo Albanés y Peña.  
Andrés Asensio y Carrasco.  
Nicolás González de Mendoza y de la Torre.  
Alfonso Hernández Catá y Galt.

#### CHILE:

Emilio Edwards Bello.

#### DOMINICAN REPUBLIC:

Roberto Despradel.  
Máximo Lovatón P.

#### UNITED STATES OF AMERICA:

T. A. M. Craven.

#### GUATEMALA:

Arturo Cobar L.

#### HAITI:

Justin Barau.

#### MEXICO:

Ignacio Galindo.  
Salvador Tayabas.  
Fernando Sánchez Ayala.  
Rubén Fuentes.

NICARAGUA:  
Guillermo Arguedas.

PANAMA:  
Ernesto B. Fábrega.

PERU:  
Carlos A. Tudela.

URUGUAY:  
César Gorri.

VENEZUELA:  
Alberto Smith.

## ANNEX 1

To the Inter-American Radiocommunications Convention  
Signed in Havana, on December 13, 1937.

### INTERNAL REGULATIONS OF THE INTER-AMERICAN CONFERENCES.

#### INDEX

- CHAPTER I. DEFINITIONS  
Art. 1. American Governments, Delegates, Representatives.
- CHAPTER II. ORGANIZATION OF THE CONFERENCE  
Art. 2. Officers of the Conference.  
Art. 3. Duties of the officers.  
Art. 4. Committees.  
Art. 5. Membership of Committees.  
Art. 6. Organization of Committees.  
Art. 7. Duties of Committees.
- CHAPTER III. OFFICIAL LANGUAGES.  
Art. 8. Spanish, English, Portuguese, French.
- CHAPTER IV. QUORUM AND VOTING  
Art. 9. Quorum.  
Art. 10. Voting.
- CHAPTER V. PROCEDURE  
Art. 11. Plenary Sessions.  
Art. 12. Committee meetings.
- CHAPTER VI. NEW MATTER  
Art. 13. Rules of procedure.

#### *Chapter I*

### DEFINITIONS

#### ARTICLE 1. AMERICAN GOVERNMENTS, DELEGATES, AND REPRESENTATIVES

##### Definitions.

When in the Inter-American Convention concerning Radiocommunications, of which these Regulations form a part, the words American Governments, Delegates, and Representatives are mentioned, they shall be understood to mean:

American Govern-  
ments.

A) *American Governments*: the Governments of the States of the American Continent;

Delegates.

B) *Delegates*: the persons officially appointed by the participating Governments with sufficient powers to act on their behalf;

Representatives.

C) *Representatives*: Members of public or private institutions or bodies, or private individuals, of recognized interest in radiocommunications, who are accredited by a Government to observe the

proceedings of the conference; who shall have neither voice nor vote, and who may express their points of view only through the delegation of their respective country.

However, representatives shall have voice, in technical matters, in the committees when expressly authorized to do so by their delegation.

## Chapter II

### ORGANIZATION OF THE CONFERENCE

#### ARTICLE 2. OFFICERS OF THE CONFERENCE

A) *Provisional President*: The organizing Government will appoint the Provisional President who will preside over the inaugural session and continue in office until the Conference has elected its Permanent President.

Officers.  
Provisional President.

B) *Permanent President*: The Permanent President shall be elected by a majority vote of the Delegations present at the Conference.

Permanent President.

C) *Vice-President*: Lots shall be drawn at the first session to establish the order of precedence of the Delegations; and the Chairmen of the Delegations shall be Vice-Presidents in this order and act as President in his absence.

Vice-President.

D) *Secretary General*: The Secretary General of the Conference will be appointed by the organizing Government.

Secretary General.

#### ARTICLE 3. DUTIES OF THE OFFICERS

A) *President*: The President shall direct the work of the Conference, announce the opening, suspension and adjournment of the meetings of the Conference, accord the right to speak in the order requested, declare the debates to be closed, put the questions to vote, announce the result of the voting, and ensure the observance of the Regulations.

Duties of officers.  
President.

B) *Vice-President*: In the absence of the President the Vice-Presidents in the order of precedence established in article 2, paragraph C, will assume and exercise his duties.

Vice-President.

C) *Secretary General*: The Secretary General is responsible for:

Secretary General.

1. The organization, direction and coordination of the work of the staff appointed to the Secretariat;

2. Receiving and disposing of the official correspondence of the Conference;

3. Acting as intermediary between the delegations and the organizing Government in all matters relating to the conference;

4. Preparation and circulation of minutes of the meetings and information and documents of the conference and, in accordance with instructions of the President, orders of the day.

Secretariat.

D) *Secretariat*: The organizing Government shall form the Secretariat staff of the Conference under the direction of the Secretary General.

#### ARTICLE 4. COMMITTEES

For the more effective functioning of the Conference, comprehensive study of the subjects forming the agenda and expedition of its work, committees shall be formed, the results of whose labors shall be submitted to the plenary sessions for approval. While the committees

Committees, formation, etc.

to be established may vary to conform to the agenda of the conferences, the following shall represent, in principle, the type of committees to be established:

- (A) Committee on Initiatives;
- (B) Credentials Committee;
- (C) Technical Committee;
- (D) Juridical and Administrative Committee;
- (E) Drafting Committee.

#### ARTICLE 5. MEMBERSHIP OF COMMITTEES

Membership of  
committees.

A) The Committee on Initiatives shall be composed of the Chairmen of the Delegations or their alternates, and shall be presided over by the President of the Conference.

B) At the first plenary session the Conference, on the proposal of the President, shall appoint a Committee on Credentials of five members.

C) The remaining committees shall be composed of delegates in accordance with assignments made by the chairmen of the respective delegations and submitted to the permanent president. Representatives may attend and participate in the meetings of the committees in accordance with assignments made by their respective delegation chairmen and in conformity with article 1-(C).

D) The committees may invite to participate in their work individuals or juridical persons whose advice or statements may be considered to be of value.

#### ARTICLE 6. ORGANIZATION OF COMMITTEES

Organization of com-  
mittees.

A) Each committee shall, at its organization meeting, be presided over by the permanent president of the conference and at that meeting shall choose from among its members a chairman and a vice-chairman.

B) The chairman of each committee may appoint one or more reporters.

C) Each committee may appoint such special subcommittees as it may deem desirable.

#### ARTICLE 7. DUTIES OF COMMITTEES

Duties of commit-  
tees.  
Committee on Ini-  
tiatives.

A) *The Committee on Initiatives* shall coordinate the business of the conference, rule upon questions of policy as related to the conference, resolve matters referred to it by other committees or the secretariat, decide by two thirds majority of the votes cast on new matters presented by the delegations, which should be considered by the conference, and advise the permanent president particularly with respect to matters not comprehended by these internal regulations.

Credentials Com-  
mittee.

B) *The Credentials Committee* shall examine the credentials submitted by members of delegations, ascertain that they are in good and proper form and report without delay to the conference.

Technical Commit-  
tee.

C) *The Technical Committee* shall have charge of the study of all technical phases of radiocommunication and all matters involving engineering practices included in conference agenda.

Juridical and Ad-  
ministrative Commi-  
tee.

D) *The Juridical and Administrative Committee* shall have charge of the study of all legal phases of the agenda subjects as well as of all

matters of an essentially administrative character. In its legal character it shall pass upon the final terminology to be used in all agreements or resolutions pertaining, not only to matters within its immediate jurisdiction, but to all material emanating from other committees of the conference.

E) *The Drafting Committee* shall be entrusted with the final drafting of conference agreements and resolutions, without altering their sense, for the purpose of ensuring against duplication or repetition in which event the material shall be referred to the committee of origin for correction.

Drafting Committee.

F) The reporters of the committees shall:

(a) Open the discussion of the questions under consideration and submit reports containing the facts and an analysis of the various aspects of the questions; those reports shall serve as the basis for discussion,

Reporters of the committees.

(b) At the end of the discussions make summaries of the debates in a report, and draft, in accordance with the opinion of the majority of each committee, the projects which, upon approval by the committee, will be submitted to the conference,

(c) The minority in any committee shall have the right to appoint a reporter who shall submit to the conference the opinions of the minority and the projects drafted by the latter.

### *Chapter III*

## OFFICIAL LANGUAGES

### ARTICLE 8. SPANISH, ENGLISH, PORTUGUESE, FRENCH.

The official languages of the conferences shall be Spanish, English, Portuguese and French. The organizing Government shall take appropriate measures to insure fulfillment of this provision.

Official languages.

### *Chapter IV*

## QUORUM AND VOTING

### ARTICLE 9. QUORUM

A majority of the delegations of the Conference must be in attendance, represented by one or more of their Delegates, in order to have a quorum at the plenary sessions of the conference.

Quorum.

A majority of the Delegations must be in attendance, represented by some of their delegates in order to have a quorum at committee meetings.

### ARTICLE 10. VOTING.

A) Voting shall be on the basis of only one vote for each State having the following qualifications:

Voting.

- I a permanent population;
- II a defined territory;
- III government;
- IV capacity to enter into relations with other States.



Countries or territories not possessing these qualifications may have voice but no vote in the conferences, but agreements resulting from the conferences shall be opened for their adherence through the medium of their respective home governments.

B) The vote of each delegation shall, in plenary sessions and committee meetings, be cast by the delegation chairman or other member acting in his behalf.

C) The vote may be taken by delegates rising in their seats, or in any other agreed manner. But at the request of any delegation, or by decision of the chairman, the vote must take place by "calling the roll" in the alphabetical order of the names of their respective states as expressed in the Spanish language.

D) Propositions and amendments will be adopted only when they obtain a majority of the votes cast. In case of a tie vote, they will be considered rejected.

### *Chapter V*

## PROCEDURE

### ARTICLE 11. PLENARY SESSIONS

Plenary sessions.

A) The inaugural session of the conference shall be held at the time and place designated by the organizing government, and the further sessions on such days as the Conference may determine.

B) Upon the convening of a plenary session, the minutes of the preceding meeting, except in the case of the inaugural plenary session, will be read and submitted for approval, unless by unanimous consent the assembly of the delegations agrees to omit this reading.

C) The minutes of the Plenary Sessions will be drafted by the staff of the General Secretariat, only the opinions and propositions with their fundamentals, in a brief form, will appear in the minutes, together with a brief statement of the debates.

Any Delegate may, however, request the insertion "in extenso" in the minutes of any declaration he has expressed; but in this case, he shall furnish the Secretariat with the corresponding text immediately after the closing of the Plenary Session.

D) The delegates may submit to the conference their opinions in writing on matters under discussion, and request that they be added to the minutes of the session or meeting at which they are submitted.

E) The Plenary sessions of the conference shall be of a public character. On motion of any delegate the sessions may be declared private by a majority vote. Such motion shall have precedence and is not debatable.

F) By a vote of two thirds of the delegations present the conference may dispense with the usual procedure and proceed to consider a question except in the case of new matter, when the rules of procedure promulgated in article 13 shall, under all circumstances, be observed.

G) Amendments shall be submitted for discussion and be voted upon before the motion which they purport to amend.

H) The minutes of plenary sessions shall be signed by the President and Secretary General.

I) At the closing plenary session the agreements and resolutions adopted by the different committees of the Conference shall be signed, and the country and date of the next conference shall be designated.

#### ARTICLE 12. COMMITTEE MEETINGS

A) The procedure for Plenary Sessions shall also be followed in the committee meetings as far as practicable. Committee meetings.

B) Minutes of the committee meetings shall be signed by the Chairman and Secretary.

### *Chapter VI*

#### NEW MATTER

#### ARTICLE 13.—RULES OF PROCEDURE

If any delegation should propose a topic not included in the agenda, for the consideration of the conference, the new matter should be referred to the Committee on Initiatives and after a report is submitted and accepted by a vote of two thirds of the delegations at the Conference, it shall be referred to the appropriate committee.

Rules of procedure.

### ANNEX 2

Inter-American Radiocommunications Convention Signed at Havana on December 13, 1937.

#### INTERNAL REGULATIONS FOR THE INTER-AMERICAN RADIO OFFICE (O. I. R.)

##### INDEX

- Art. 1. Administration.
- Art. 2. First Director.
- Art. 3. Appointment of Staff.
- Art. 4. Budget.
- Art. 5. Salaries of the Staff.
- Art. 6. Accounts.
- Art. 7. Contributions to O. I. R.

#### ARTICLE 1. ADMINISTRATION

The Inter-American Radio Office shall be in charge of a Director who shall be appointed by the Inter-American Radio Conference on the recommendation of a special committee thereof.

Administration.

#### ARTICLE 2. FIRST DIRECTOR

The first Director shall be appointed by the Government of Cuba.

First Director.

#### ARTICLE 3. APPOINTMENT OF STAFF

The Director shall appoint such competent assistants and staff, including interpreters and translators, as may be required for the work of the office.

Appointment of staff.

#### ARTICLE 4. BUDGET

The Director shall submit annually to the government of the country where the office is established a draft budget of revenues and expenditures for the ensuing year. When the budget has been approved by the aforesaid government it shall be communicated to the

Budget.

other participating governments with a statement of the amount that each is to pay, pursuant to the quota established in Article 7.

#### ARTICLE 5. SALARIES OF THE STAFF

**Salaries.** The salaries of the personnel of the office shall not exceed two thirds of the annual budget.

#### ARTICLE 6. ACCOUNTS

**Accounts.** The Director shall be charged with the collection and disbursement of the funds of the office. He shall submit to the government where the office is established a monthly report of receipts and expenditures and a semi-annual report on the general accounts of the administration. After examining the latter the said government shall submit them to the ensuing Conference for consideration.

#### ARTICLE 7. CONTRIBUTIONS TO O. I. R.

**Contributions to O. I. R.** In accordance with Article 8 (B) of the Convention the contribution of the States of the American continent will be assigned under the following categories:

Category.	I	II	III	IV	V	VI
Units.	25	20	15	10	5	3
States	Argentina, Canada, United States of America.		Brazil Mexico	Cuba	Colombia Chile, Perú, Venezuela	Bolivia Costa Rica Dominican Rep. Ecuador Guatemala Haiti Honduras Nicaragua Panama Paraguay Salvador Uruguay

### ANNEX 3

To the Inter-American Radiocommunications Convention  
Signed in Havana on December 13, 1937.

#### DEFINITION OF ZONES

**Definition of zones.** For the purpose of Article 11, paragraph D, of the Inter-American Radiocommunications Convention, it shall be understood that:

**Northern.** **NORTHERN ZONE**, is that which comprises the countries located to the North of Guatemala and North of the Southern coast of the Dominican Republic and Haiti;

**Central.** **CENTRAL ZONE**, is that which comprises the countries or portions of countries located South of Mexico and the Southern coast of the Dominican Republic and Haiti and extending to parallel 5° of South latitude;

**Southern.** **SOUTHERN ZONE**, is that which comprises the countries or portions of countries to the South of parallel 5° of the South latitude.

## CONVENÇÃO INTERAMERICANA SOBRE RADIOCOMMUNICAÇÕES

celebrada em Havana, em 13 de Dezembro de 1937, entre os Governos  
dos Estados que se mencionam a continuação:

Brasil,	República Dominicana,	Nicaragua,
Canada,	Estados Unidos de América,	Panamá,
Chile,	Guatemala,	Perú,
Colombia,	Haiti,	Uruguay, e
Cuba,	Mexico,	Venezuela.

Os Governos acima mencionados, reconhecendo as vantagens da cooperação a mutuo entendimento que resultam do intercambio de pareceres com respeito ás radiocommunicações, designaram os abaixo assignados plenipotenciarios á Primeira Conferencia Interamericana de Radiocommunicações reunida na cidade de Havana, República de Cuba, os quaes, de commum accôrdo e sob reserva de ratificação, celebraram a seguinte Convenção, que se ajusta ás estipulações da Convenção Internacional de Telecomunicações de Madrid, de

### Primeira Parte

#### CONFERENCIA

##### ARTIGO 1.—OBJECTO.

Os Governos contractantes convêm em reunir-se periodicamente em Conferencias de Plenipotenciarios com o fim de resolver por mutuo accôrdo os problemas que surjam no campo das radiocommunições no Continente americano.

##### ARTIGO 2.—COMPOSIÇÃO DAS CONFERENCIAS.

As Conferencias serão compostas, nos termos fixados pelo Regulamento Interno das Conferencias Interamericanas de Radio (Anexo 1 desta Convenção), pelos Delegados de todos os Governos americanos que acceitem participar.

Além disso, a ellas poderão assistir, com o character de observadores, representantes de instituições e organismos vinculados ás radio-communicações, de empresas ou agrupações de empresas e de entidades ou pessoas que explorem serviços radioelétricos, desde que estejam autorizados por seus respectivos Governos.

##### ARTIGO 3.—VOTO NAS CONFERENCIAS

A) Só terão voto nas Conferencias os Estados que reunam os seguintes requisitos:

- I.—População permanente.
- II.—Territorio determinado.
- III.—Governo.
- IV.—Capacidade para entrar em relações com os demas Estados.

B) Os paizes ou territorios que não reunam essas condições poderão ter voz, mas não voto nas Conferencias; porém, os accórdos resultantes das Conferencias estarão abertos a sua adhesão por meio de seus respectivos Governos metropolitanos.

#### ARTIGO 4.—LUGAR E DATA DAS CONFERENCIAS

A) As Conferencias se effectuarão com intervalo não maior de tres annos. O paiz e a data em que deva reunir-se cada Conferencia serão fixados na precedentes. No entanto, a data indicada para uma reunião poderá ser adeantada ou adiada pelo Governo Organizador a pedido de cinco ou mais Governos participantes.

B) O Governo do paiz onde deva reunir-se uma Conferencia, o qual se denominará Governo Organizador, fixará o logar e a data definitiva da reunião e expedirá pela via diplomatica, com uma antecipação não menor de seis mezes, os convites de estylo.

#### ARTIGO 5.—REGULAMENTO INTERNO PARA AS CONFERENCIAS

Esta Convenção tem como annexo um Regulamento Interno das Conferencias Interamericanas de Radiocommunições (Annexo 1), que fixa as modalidades de suas reuniões, e que só poderá ser modificado pelo voto favoravel das duas terceiras partes dos Estados participantes na respectiva Conferencia.

### Segunda Parte

#### REPARTIÇÃO INTERAMERICANA DE RADIOCOMMUNICAÇÕES

("Oficina Interamericana de Radio" O. I. R.)

#### ARTIGO 6.—OBJECTO

Os Governos Contractantes convêm:

A) Em estabelecer a Repartição Interamericana de Radiocommunições (O. I. R.) como organismo interamericano de caracter consultivo que centralizará e facilitará entre as Administrações dos paizes americanos, o intercambio e circulação de informações relativas ás radiocommunições em todos os seus aspectos e collaborará na organização das Conferencias mencionadas na Parte Primeira desta Convenção;

B) 1.—Em communicar opportunamente á Repartição Interamericana de Radiocommunições (O. I. R.) todas as disposições legais sobre radiocommunição, internas e internacionaes, os regulamentos vigentes em seus territorios, as reformas nelles introduzidas assim como tambem informes estatísticos, technico e administrativos sobre a materia; e

2.—Especificamente deverão enviar ao Departamento Interamericano de Radiocommunições, cada seis mezes, uma lista official das frequencias assignadas por elles a todas as estações radio-difusoras e notificar mensalmente todas as modificações e additamentos effectuados.

As referidas communicações deverão fazer-se de accôrdo com o procedimento adoptado no Regulamento Geral de Radiocommunições annexo á Convenção Internacional de Telecommunições vigente, devendo incluir tambem:

- a) Potencia actual usada.
- b) potencia maxima que se intentar usar.
- c) Horario das transmissões.

Estas communicações deverão fazer-se, independentemente, em todos os casos, das que se remetem ao Departamento da União Internacional de Telecommunições.

#### ARTIGO 7.—ATTRIBUIÇÕES

O Repartição Interamericano de Radiocommunições estará encarregado:

A) Dos trabalhos preparatorios das Conferencias e dos que derivam de suas decissões;

B) De constituir, de accôrdo com o Governo Organizador, a Secretaría das Conferencias;

C) De publicar e distribuir os documentos exigidos pelas Conferencias;

D) De publicar e distribuir informações técnicas diferentes das originadas nas Conferencias, incluindo o intercambio de dados relativos á exactidão e estabilidade das frequencias, ás interferencias e outros inconvenientes observados nos territorios dos paizes contractantes e a outros estudos que se realizem, taes como propagação das ondas, características gaeas das diferentes antenas, etc. assim como o intercambio de documentos de character juridico, de Tratados e de Informação geral para uma melhor intelligencia e aperfeiçoamento das normas de radiocommunições no Continente americano.

E) De apresentar um informe annual de seus trabalhos, o qual será communicado a todos os Governos contractantes; e,

F) Do desempenho de quaesquer outras funções que lhe correspondam ou lhe sejam assignadas pelas Conferencias.

#### ARTIGO 8.—MANUTENÇÃO DA REPARTIÇÃO

A) As despesas geraes do Repartição Interamericana de Radiocommunições (O. I. R.) não excederão a somma de vinte e cinco mil dollars (\$25.000.00), moeda dos Estados Unidos de America, por anno;

B) Para suffragar essas despesas cada Governo americano convem em contribuir em proporção a certo numero de unidades, de accôrdo com a categoria a que pertença, segundo o disposto no Regulamento Interno da Repartição Interamericana de Radiocommunições (O. I. R.). Com esse fim estabelece-se seis categorias, ás quaes corresponderão as seguintes unidades:

Categorias:	I	II	III	IV	V	VI
Unidades:	25	20	15	10	5	3

C) As despesas geraes não incluirão as motivadas pela das Conferencias, as quaes serão suffragadas pelo Governo Organizador.

D) As quantias necessarias para a manutenção da Repartição deverão ser pagas por semestres adeantados, pelos Governos que della facam parte. Se um Governo estiver atrasado em seus pagamentos, o Governo do paiz sêde do Departamento adeantará as quantias que se requirem. As sommas assim anticipadas deverão ser reembolsadas pelo Governo devedor o mais prompto possível, e ao mais tardar, dentro dos quatro mezes seguintes á data em que o pagamento devia ter sido effectuado.

#### ARTIGO 9.—SÊDE E VIGILANCIA DA REPARTIÇÃO

A) A sêde da Repartição Interamericana de Radiocomunicações e a nomeação do Director serão thema do programma de cada Conferencia.

B) O Governo do paiz onde a Repartição tiver a sua sêde terá a seu cargo a inspecção e vigilancia de sua organização, orçamento e finanças e effectuará os adeantamentos necessarios.

C) As contas da Repartição Interamericana de Radiocomunicações serão submittidas pelo Governo do paiz onde tiver a sua sêde, á approvação da seguinte Conferencia.

D) A Repartição se estabelece inicialmente sob os auspicios do Governo de Cuba. Sua sêde será na cidade de Havana.

#### ARTIGO 10.—REGULAMENTO INTERNO DA REPARTIÇÃO (O. I. R.)

Esta Convenção tem annexo um Regulamento Interno da Repartição Interamericana de Radiocomunicações (Annexo 2) que determina os detalhes da administração interna desse organismo e que só poderá ser modificado pelo voto favoravel das duas terceiras partes dos Estados representados em uma Conferencia.

### Terceira Parte

#### DISPOSIÇÕES ESPECIAES

#### ARTIGO 11.—PRINCIPIOS GERAES

A) Os Governos contractantes reconhecem o direito soberano das nações no uso de todos os canaes da radiodifusão.

B) Os Governos americanos, com a unica condição de que não causar interferencia aos serviços de outro paiz, pôdem assignar qualquer classe de onda e frequencia ás estações de radiocomunicações que se encontrem sob sua jurisdicção.

C) No entanto, os Governos reconhecem que, até quando o progresso técnico alcance um estado que permita eliminar as interferencias de radiocomunicações de caracter internacional, os ajustes regionaes são essenciaes para fomentar a normalização e diminuir as interferencias.

D) Para a solução daquelles assumptos que pelas características especiaes de propagação e condições de interferencia das emissões radioelectricas nas diferentes zonas geograficas requirem disposições especiaes, os Governos contractantes convêm em dividir o Continente

americano, em tres regiões denominadas: Zona septentrional, Zona central e Zona meridional. (Annexo 3 desta Convenção)

#### ARTIGO 12.—ACCORDOS BILATERAES

Os Governos contractantes, quando o julgarem conveniente, dentro dos limites desta Convenção, celebrarão accórdos bilateraes relativos á operação de estações radiotelegraphicas entre seus respectivos paizes, afim de facilitar as communicações directas entre as mesmas.

#### ARTIGO 13.—ESTAÇÕES DE VERIFICAÇÃO DE FREQUENCIAS

Os Governos contractantes obrigam-se a estabelecer, no menor periodo de tempo possivel, estações de verificação de frequencias.

#### ARTIGO 14.—INTERCAMBIO DE INFORMES

Os Governos contractantes, que não se tenham obrigado a remetter a uma Repartição Centralizadora Interamericana os dados relativos a radiocommunicações em seu territorio, inter-trocarão com todos os demais Governos americanos os dados a que se refere o artigo 6, inciso B) 2 de esta Convenção.

#### ARTIGO 15.—SEGURANCAS PARA A VIDA NO MAR E NO AR

Para a segurança da navegação marítima e aerea os Governos contractantes tomarão as medidas necessarias afim de assegurar um serviço de radiocommunicações adequado, dependente do Governo ou por elle autorizado.

#### ARTIGO 16.—OBRIGAÇÃO DAS AERONAVES COMMERCIAES DE LEVAR APPARELHAMENTO RADIOELECTRICO

Os Governos contractantes convêm em:

A) Que toda aeronave destinada ao transporte de passageiros quando opere em serviço internacional com itinerario fixo, deverá estar provida de aparelhos radioelectricos de transmissão e recepção, em condições de poder funcionar efficientemente e a cargo de operadores devidamente titulados.

B) As aeronaves com itinerario fixo destinadas ao transporte internacional de passageiros e que võem sobre o mar, mais além de setenta e cinco kilometros de qualquer costa, deverão estar capacitadas para emittir e receber na frequencia de 500 Kc/s para poder estabelecer communicação de emergencia com as estações do serviço radioeléctrico marítimo.

#### ARTIGO 17. ESTABELECIMENTO DE ESTAÇÕES AERONAUTICAS RADIO-ELECTRICAS

Os Governos contractantes convêm em tomar isoladamente, ou de accôrdo com os paizes visinhos, as medidas necessarias para estabelecer um número sufficiente de estações regionaes, operadas ou



autorizadas por elles, para prover á informação e seguridade necessarias para o trafico aereo e a orientação das aeronaves.

#### ARTIGO 18 COMMUNICAÇÕES DE EMERGENCIA

Qualquer estação radioemissora poderá de accôrdo com as leis do seu paiz, effectuar communicações de emergencia com pontos outros que os autorizados normalmente, durante um periodo excepcional em que houver sido interrompido o funcionamento normal das communicações, como consequencia de tufões, inundações, tremores de terra ou desastres similares.

#### ARTIGO 19.—RADIODIFFUSÃO CULTURAL

Os Governos contractantes tomarão as medidas necessarias, para facilitar e fomentar a retransmissão e intercambio de programmas internacionaes de character cultural, educativo e historico dos paizes do Continente americano, por meio de suas respectivas estações radiodifusoras.

#### ARTIGO 20.—RADIOCOMMUNICAÇÕES A MULTIPLOS DESTINOS

Os Governos americanos convêm em que:

A) Os respectivos Governos estimularão a transmissão, disseminação e intercambio rapidos e economicos de noticias e informações entre as nações de América;

B) Às publicações informativas e agencias de noticias, se lhes facilitará o emprego e desfrute das vantagens das radiocommunicações de imprensa a multiplos destinos, offerecendo-as a preços minimos, para o que as tabellas poderão basear-se em unidades de tempo invertido na transmissão ou outros meios que resultem similarmemente economicos.

C) Deverão gozar das tabellas baixas e vantagens que derivam dos principios estabelecidos nos paragraphos anteriores, todas as agencias de noticias e de informação devidamente estabelecidas, os diários e outras publicações periodicas, as estações de radiodifusão, revistas cinematographicas, serviços de reproducção typographicos, "placards" informativas e quaesquer outros meios de diffusão que possam desenvolver-se

D) Deverá estimular-se o uso e desenvolvimento de dispositivos e methodos que tenham por fim evitar a intercepção não autorizada de noticias da imprensa transmittidas por radio a multiplos destinos.

#### ARTIGO 21.—RETRANSMISSÕES

Os Governos contractantes tomarão medidas adequadas para evitar que os programmas transmittidos por uma estação diffusora sejam retransmittidos ou irradiados, total ou parcialmente, por outras estações, sem previa autorização da estação de origem.

A estação que retransmitta qualquer programma deverá annunciar a retransmissão e, a intervallos convenientes, a natureza da irradiação, a situação da estação de origem e o indicativo de chamada ou outra identificação da mesma.

**ARTIGO 22.—ESTAÇÕES CLANDESTINAS**

Os Governos contractantes convêm em prestar-se mutuo apoio para descobrir e supprimir as estações emissoras clandestinas.

**Quarta Parte****DISPOSIÇÕES GERAES****ARTIGO 23.—VIGENCIA E RATIFICAÇÕES**

A) A presente Convenção será ratificada pelos Estados contractantes de conformidade com seus respectivos preceitos constitucionaes.

B) As Partes Primeira, Terceira e Quarta da presente Convenção entrarão em vigor no 1.º de Julho de 1938, desde que nessa data tiverem sido depositadas perante o Governo do paiz onde esta Conferencia foi realizada duas ratificações ou adhesões definitivas. Se nessa data não houvessem sido depositadas duas ratificações ou adhesões definitivas, estas Partes da Convenção entrarão em vigor trinta dias depois de depositada a segunda ratificação ou adhesão definitiva.

C) Para que entre em vigor a Parte Segunda desta Convenção, será necessario o deposito da ratificação ou adhesão definitiva de Governos Americanos cujas contribuições para a manutenção da Repartição Interamericana de Radiocommunicações, de accôrdo com o disposto no artigo 8, inciso B, representem mas da metade das unidades estabelecidas no Regulamento Interno da Repartição Interamericana de Radiocommunicações (Annexo 2, Artigo 7).

D) O Governo depositario notificará, com a maior brevidade possivel, aos Estados Americanos as ratificações ou adhesões definitivas que receba.

**ARTIGO 24. ADHESÕES**

Esta convenção fica aberta á adhesão de todos os paizes americanos não signatarios.

**ARTIGO 25. RATIFICAÇÕES E ADHESÕES PARCIAES**

As ratificações ou adhesões á presente Convenção poderão referir-se á totalidade della ou a dois ou mais de suas Partes, sempre que em todo o caso se ratifique ou adhira ás Primeira e Quarta Partes. (Conferencias e Disposições Geraes).

**ARTIGO 26.—AVISOS**

A 1.º de Junho de 1938, e depois com intervallos de seis mezes, o Governo depositario pedirá aos Governos dos Estados Americanos que não houvessem ainda ratificado ou adherido á Convenção, tenham a bem informar sobre a mencionada ratificação ou adhesão. Estes informes serão transmittidos a todos os demais Governos americanos.

## ARTIGO 27.—DENUNCIAS

A) A presente Convenção poderá ser denunciada em sua totalidade ou separadamente as partes Duas e Tres por uma notificação dirigida ao Governo depositario. Esta notificação surtirá effeito um anno depois da data em que tiver sido recebida, e unicamente para o Governo que a tiver feito.

B) O Governo depositario notificará a todos os Estados Americanos as denuncias recebidas.

## ARTIGO 28.—IDIOMAS

A presente Convenção foi redactada em espanhol, inglez, portuguez e francez, cujos textos darão fé por igual.

## ARTIGO 29.—ACCÓRDOS ESPECIAES

Os Governos contractantes se reservam o direito de effectuar accórdos especiaes ou regionaes que não affectem aos Governos em geral. Estes accórdos, no entanto, deverão estar dentro dos limites de esta Convenção e dos Regulamentos annexos á mesma, emquanto se relacionem com a interferencia que pudesse resultar de taes accórdos com os serviços de outros paizes.

## ARTIGO 30. CODIFICAÇÃO

Nas proximas Conferencias todas as disposições da presente Convenção e dos seus Regulamentos que não tiverem sido modificadas, se incorporarão com as novas normas que se adoptem.

## ARTIGO 31.—ARBITRAGEM

A) Se surgisse controversia entre dois ou mais Governos contractantes com respeito á execução da presente Convenção, que não podesse resolver-se pela via diplomatica, será submetida a arbitragem a petição de um dos Governos em dessacórdo.

B) Ao menos que as partes em controversia accórdem usar um procedimento já estabelecido por tratados bilateraes ou multilateraes celebrados entre ellas para a solução de controversias internacionaes, ou o procedimento contemplado no inciso G) do presente artigo, os arbitros serão designados na forma seguinte:

C) (1).—As partes decidirão de mutuo accórdo se devem designar-se como arbitros a individuos ou a Governos; á falta de accórdo, se recorrerá a Governos.

(2).—Se houver de confiar-se o arbitragem a individuos, os arbitros não poderão ser da nacionalidade de nenhuma das partes interessadas na controversia.

(3).—Se houver de encarregar-se a Governos, estes deverão ser escolhidos entre as partes adherentes ao accórdo cuja applicação tenha provocado a controversia.

D) A parte que appelle á arbitragem será denominada demandante. Esta designará um arbitro e communicará sua eleição á parte contraria. A demandada deverá então designar um segundo

arbitro dentro de um prazo de dois mezes, a contar da data em que receba a notificação da demandante.

E) Se se tratar de mais de duas partes, cada grupo de demandantes ou demandados procederá a designar um arbitro de accôrdo com o procedimento previsto no inciso D.

F) Os dois arbitros assim designados devem pôr-se de accôrdo para nomear um terceiro árbitro o qual, se os arbitros são individuos em vez de Governos, não poderão ser da nacionalidade de nenhum dos arbitros nem de nenhuma das partes. Se os arbitros não podem chegar a um accôrdo em quanto á designação de terceiro arbitro, cada arbitro deverá propôr a um que não esteja interessado na controversia.

Em seguida serão sorteados os terceiros arbitros propostos. O representante de um Governo americano, não interessado na controversia, escolhido pelos dois arbitros, effectuará o sorteio.

G) Finalmente, as partes em dessaccôrdo terão a opção de submeter sua controversia a um só arbitro. Neste caso, ou chegarão a um accôrdo com respeito á eleição do arbitro, ou elle será nomeado de accôrdo com o methodo indicado no inciso F.

H) Os arbitros escolherão livremente o procedimento.

I) Cada uma das partes pagará as despesas que lhe occasiona a instrucção do juizo arbitral. As despesas da arbitragem serão reparadas na mesma proporção pelas duas partes interessadas.

Em fé do que os respectivos Plenipotenciarios assignaram varios exemplares do presente Instrumento em espanhol, inglez, portuguez e francez que serão depositados nos archivos do Governo cubano, o qual encaminhará aos outros Governos contractantes uma copia authenticada em cada uma dessas linguas.

Feito na cidade de Havana, em 13 de Dezembro de 1937.

#### RESERVAS DO BRASIL.

O Governo dos Estados Unidos do Brasil autorizou o Chefe da sua Delegação á Primeira Conferencia Interamericana de Radio a assignar "ad referendum" os Accôrdos internacionaes que acaba de adoptar a mesma Conferencia sob a reserva de que o Governo do Brasil só os confirmará no caso de que as suas disposições não estejam em contradicção com o Accôrdo sul-americano de radio-communicações do Rio de Janeiro e seu regulamento interno nem com quaesquer outros compromissos internacionaes já assumidos pelo Governo brasileiro.

*HAVANA, em 13 de Dezembro de 1937.*

#### BRASIL:

O Delegado do Brasil assigna "ad referendum" com as reservas que se leem acima.

José Roberto de Macedo-Soares

#### CANADA:

Laurent Beaudry

C. P. Edwards

#### COLOMBIA:

Jorge Soto del Corral

Ricardo Gutierrez Lee y Rivero

## CUBA:

Wifredo Albanés y Peña  
 Andrés Asensio y Carrasco  
 Nicolas Gonzalez de Mendoza y de la Torre  
 Alfonso Hernandez Catá y Galt

## CHILE:

Emilio Edwards Bello

## REPUBLICA DOMINICANA:

Roberto Despradel  
 Máximo Lovaton P.

## ESTADOS UNIDOS DA AMERICA:

T. A. M. Craven

## GUATEMALA:

Arturo Cobar L.

## HAITI:

Justin Barau

## MEXICO:

Ignacio Galindo  
 Salvador Tayabas  
 Fernando Sanchez Ayala  
 Ruben Fuentes

## NICARAGUA:

Guillermo Arguedas

## PANAMA:

Ernesto B. Fábrega

## PERU:

Carlos A. Tudela

## URUGUAY:

César Gorri

## VENEZUELA:

Alberto Smith

## ANNEXO 1

Da Convenção Interamericana Sobre Radiocomunicações  
 Assignada em Havana, em 13 de Dezembro de 1937

REGULAMENTO INTERNO DAS CONFERENCIAS INTERAMERICANAS  
 DE RADIOCOMMUNICAÇÕES

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*Capítulo I*

## DEFINIÇÕES

## ARTIGO 1.—GOVERNOS AMERICANOS, DELEGADOS E REPRESENTANTES

Quando na Convenção Interamericana sobre Radiocomunicações da qual faz parte este Regulamento, e neste se mencionem as expressões Governos Americanos, Delegados e Representantes, devem entender-se por:

A) *Governos Americanos*: Os Governos dos Estados do Continente Americanos;

B) *Delegados*: As pessoas oficialmente nomeadas pelos Governos participantes, com poderes suficientes para actuar em seu nome;

C) *Representantes*: Os membros de instituições ou organismos públicos ou privados, ou individuos notoriamente interessados em radiocomunicações, que sejam autorizados por um Governo para observar os trabalhos da Conferencia, os quaes não terão voz nem voto em assumptos administrativos, podendo expôr seus pontos de vista sómente por intermedio da Delegação do seu respectivo paiz.

Todavia, em assumptos técnicos, os representantes terão voz nas Comissões, com a autorização previa e expressa de sua Delegação.

*Capítulo II*

## ORGANIZAÇÃO DAS CONFERENCIAS

## ARTIGO 2.—FUNCIONARIOS DA CONFERENCIA

A) *Presidente Provisorio*: O Governo Organizador nomeará o Presidente Provisorio, o qual presidirá á sessão inaugural e continuará exercendo suas funções até que a Conferencia escolha seu Presidente Permanente.

B) *Presidente Permanente*: O Presidente Permanente será eleito pelo voto da maioria absoluta das Delegações presentes na Conferencia.

C) *Vice-Presidente*: Na Primeira sessão se sorteará a ordem de precedencia das Delegações e, nesta ordem, os Presidentes das Delegações serão Vice-Presidentes e substituirão o Presidente na sua ausencia.

D) *Secretario Geral*: O Secretario Geral da Conferencia será nomeado pelo Governo Organizador.

## ARTIGO 3.—ATTRIBUIÇÕES DOS FUNCIONARIOS

A) *Presidente*: O Presidente encaminhará os trabalhos da Conferencia, abrirá, suspenderá e levantará as sessões; concederá a palavra na ordem em que houver sido pedida; declarará o encerramento das discussões; submeterá á votação os assumptos; annunciará o resultado dos escrutínios, e zelará pelo cumprimento dos Regulamentos.

B) *Vice-Presidente*: Na ausencia do Presidente, os Vice-Presidentes na ordem de precedencia estabelecida no artigo 2, inciso C), assumirão e exercerão suas funções.

C) *Secretario Geral*: O Secretario Geral terá as seguintes attribuições:

1.—Organizar, encaminhar e coordenar o trabalho do pessoal designado para a Secretaria.

2.—Receber a correspondencia official da Conferencia e distribui-la.

3.—Ser o intermediario entre as Delegações e o Governo Organizador, em todos os assumptos relativos á Conferencia.

4.—Preparar e distribuir as actas das sessões e a informação e documentos da Conferencia e, de accôrdo com as instrucções do Presidente, redactar as Ordens do Dia.

D) *Secretaria*: O Governo Organizador designará o pessoal da Secretaria da Conferencia, o qual estará sob a direcção do Secretario Geral.

#### ARTIGO 4.—DAS COMMISSÕES

Serão organizadas Commissões para o mais efficaz funcionamento da Conferencia, o estudo adequado dos themas de seu Programma e a simplificação dos seus trabalhos. As commissões submeterão o resultado de seus trabalhos á approvação das Sessões Plenarias da Conferencia. As commissões poderão variar para adaptar-se ao Programma, porém as seguintes representam, em principio, os typos que deverão estabelecer-se:

- (A) De Iniciativas;
- (B) De Credenciaes;
- (C) Técnica;
- (D) Juridico-Administrativa; e
- (E) De Redacção.

#### ARTIGO 5.—DOS MEMBROS DAS COMMISSÕES

A) A Comissão de Iniciativas deverá estar composta pelos Presidentes das Delegações ou seus substitutos e deverá ser presidida pelo Presidente da Conferencia.

B) Na primeira sessão plenaria, a Conferencia, a proposta do Presidente, elegerá uma Comissão de Credenciaes, composta de cinco membros.

C) As demais commissões serão compostas de Delegados, de accôrdo com as designações effectuadas pelos Presidentes das respectivas Delegações, communicadas ao Presidente Permanente. Os representantes poderão assistir e tomar parte nas sessões das commissões de accôrdo com as designações feitas pelos Presidentes das suas respectivas delegações e de conformidade con o artigo 1 letra (C).

D) As commissões pódem convidar a participar nos seus trabalhos aquellas pessoas naturaes ou juridicas cujos conselhos ou exposições possam ser consideradas de valor.

#### ARTIGO 6.—DA ORGANIZAÇÃO DAS COMMISSÕES

A) Cada commissão será presidida, na sua sessão de organização, pelo Presidente Permanente da Conferencia e nessa sessão serão eleitos, entre os seus membros, um Presidente e um Vice-Presidente;

B) O Presidente de cada commissão poderá nomear um o mais relatores.

C) Cada commissão poderá nomear as sub-commissões que estime conveniente.

#### ARTIGO 7.—DAS FUNÇÕES DAS COMMISSÕES

A) A *Comissão de Iniciativas*: coordinará os trabalhos da Conferencia; resolverá as questões de ordem interno que tenham relação

com a Conferencia e os assumptos que lhe sejam transmittidos por outras Commissões ou pela Secretaria; decidirá por dois terços dos votos sobre os novos themas apresentados pelas delegações de que deva occupar-se a Conferencia e, especialmente auxiliará o Presidente Permanente nos assumptos não comprehendidos neste Regulamento Interno.

B) *A Comissão de Credenciaes*: procederá ao exame das credenciaes apresentadas pelos membros das delegações, comprovando que estejam em bôa e devida forma e informará sem demora a Conferencia.

C) *A Comissão Técnica*: terá a seu cargo o estudo de todos os aspectos técnicos relativos á radiocommunições e todas as demas materias que envolvam normas de engenharia, incluídas no Programma da Conferencia.

D) *A Comissão Juridico-Administrativa*: terá a seu cargo o estudo de todos os aspectos juridicos dos themas do programma, assim como tambem de todos os assumptos que tenham character essencialmente administrativo. Como Comissão Juridica, fixará a terminologia definitiva que se deverá usar em todos os accórdos ou resoluções, relacionados não só com os themas que estejam sob sua immediata jurisdicção, mas ainda com todos os assumptos que emanem de outras Commissões da Conferencia.

E) *A Comissão de Redacção*: estará encarregada da redacção definitiva dos Accórdos e Resoluções da Conferencia, sem alterar o sentido dos mesmos, com o proposito de evitar as duplicações ou repetições em cujo caso esses documentos serão restituídos á comissão de origem para sua correcção.

F) Os relatores das Commissões:

a) Abrirão a discussão dos themas em estudo e apresentarão informes que conttenham os antecedentes e uma analyse dos diferentes aspectos dos assumptos; estes informes servirão de base para a discussão.

b) Ao findar as discussões, resumirão os debates em um informe, e redactarão, de conformidade com a opinião da maioria de cada Comissão, o projecto que, uma vez approved pela Comissão, será submetido á Conferencia.

c) A minoria de qualquer Comissão terá direito a nomear um relator, o qual apresentará á Conferencia as opiniões da minoria e os projectos redactados por esta ultima.

### *Capitulo III*

#### IDIOMAS OFFICIAES

##### ARTIGO 8.—ESPAÑHOL, INGLEZ, PORTUGUEZ E FRANCEZ

Os idiomas officiaes da Conferencia serão o espanhol, o inglez o portuguez e o francez. O Governo Organizador tomará todas as medidas necessarias para assegurar o cumprimento desta disposição.



*Capítulo IV*

## QUORUM E VOTAÇÃO

## ARTIGO 9.—QUORUM

Para que haja quorum nas Sessões Plenárias da Conferencia deverá estar presente a maioria das Delegações, representadas por um ou mais de seus delegados.

Para que haja quorum nas sessões das Comissões a maioria das delegações deverão estar presentes, representadas por algum de seus delegados.

## ARTIGO 10 VOTAÇÃO

A) A votação se effectuará sobre a base de um só voto por Estado que reúna os seguintes requisitos:

- I povoação permanente.
- II territorio determinado.
- III governo.
- IV capacidade para entrar em relações com os demais Estados.

Os paizes ou territorios que não possuam esses requisitos poderão ter voz, mas não voto, nas Conferencias; porém os accórdos resultantes das Conferencias estarão abertos á sua adhesão por meio dos respectivos Governos metropolitanos.

B) O voto de cada Delegação nas sessões plenárias e nas das comissões deverá ser emitido pelo Presidente da Delegação ou outro membro que estiver actuando em seu nome.

C) As Delegações deverão ser chamadas a votar pela ordem alphabetica do nome de seus respectivos Estados, expressado no idioma espanhol.

D) As proposições e modificações serão adoptadas sómente quando obtiverem a maioria dos votos emitidos. No caso de empate se considerarão rejeitadas.

*Capítulo V*

## PROCEDIMENTO

## ARTIGO 11.—SESSÕES PLENARIAS

A) A sessão inaugural da Conferencia se celebrará na data e lugar designados pelo Governo Organizador, e as demais sessões se effectuarão nas datas que determinar a Conferencia.

B) Ao reunir-se uma sessão plenária deverão lêr-se, submetendo-as a sua approvação, as actas das sessões anteriores, excepto a da sessão plenária inaugural, salvo se as delegações accórdem unanimemente em prescindir da sua leitura.

C) As actas das sessões plenárias serão redactadas pelo pessoal da Secretaria Geral. Sómente apparecerão nas actas, de maneira breve, as opiniões e proposições com seus fundamentos, conjuntamente com uma relação summaria dos debates.

No entanto, qualquer delegado pode solicitar a inserção nas actas, por extenso, de suas declarações mas, neste caso, subministrará á

Secretaria, immediatamente depois de terminada a sessão plenaria, o texto respectivo.

D) Os delegados poderão apresentar á Conferencia, por escripto, suas opiniões sobre assumptos sujeitos á discussão, e solicitar que sejam additadas ás da sessão em que tiverem sido subministradas.

E) As sessões plenarias da Conferencia serão de caracter publico. A pedido de qualquer delegado as sessões poderão declarar-se privadas, por maioria de votos. Este pedido terá precedencia e não estará sujeito a debate.

F) A Conferencia poderá prescindir do procedimento usual e passar a considerar um assumpto pelo voto das duas terceiras partes das delegações presentes, excepto no caso de uma questão nova em que serão observadas, em todo caso, as regras de procedimento estabelecidas no artigo 13.

G) As emendas serão submetidas á discussão e votadas antes da moção que se pretenda emendar.

H) As actas das sessões plenarias deverão ser assignadas pelo Presidente e o Secretario Geral.

I) Na sessão plenaria de encerramento se assignarão os accórdos e resoluções adoptados pelas diversas commissões da Conferencia, e se determinará o paiz onde deva reunir-se a proxima Conferencia e a data em que houver de celebrar-se.

#### ARTIGO 12.—DAS SESSÕES DAS COMMISSÕES

A) O procedimento para as sessões plenarias será tambem observado nas sessões das commissões, em quanto seja possivel.

B) As actas das sessões das commissões deverão ser assignadas pelo Presidente e o Secretario.

### *Capitulo VI*

## NOVOS ASSUMPTOS

#### ARTIGO 13.—DAS REGRAS DE PROCEDIMENTO

Se por alguma delegação fosse proposto á consideração da Conferencia, um thema não incluído no Programma, o novo thema passará ao estudo da Comissão de Iniciativas, e depois de que se apresente e fôr acceto um informe pelo voto das duas terceiras partes das delegações da Conferencia, será transmittido á comissão respectiva.

## ANNEXO 2

### Da Convenção Interamericana Sobre Radiocommunicações Assignada em Havana, em 13 de Dezembro, 1937

#### REGULAMENTO INTERNO DA REPARTIÇÃO INTERAMERICANA DE RADIOCOMMUNICAÇÕES (O. I. R.)

##### INDICE

- Art. 1.—Administração.
- Art. 2.—Nomeação do primeiro Director.
- Art. 3.—Pessoal da Repartição
- Art. 4.—Orçamento.
- Art. 5.—Distribuição do Orçamento.
- Art. 6.—Contas.
- Art. 7.—Contribuições á Repartição ("O. I. R.")

**ARTIGO 1.—ADMINISTRAÇÃO**

A Repartição Interamericana de Radio estará a cargo de um Director que será nomeado pela Conferencia Interamericana de Radio-communicações por proposta de uma commissão especial da mesma Conferencia.

**ARTIGO 2.—NOMEAÇÃO DO PRIMEIRO DIRECTOR**

O primeiro Director será nomeado pelo Governo de Cuba.

**ARTIGO 3.—PESSOAL DA REPARTIÇÃO**

O Director nomeará os Auxiliares e funcionarios competentes, incluindo os interpretes e traductores que se requieram para o trabalho da Repartição.

**ARTIGO 4.—ORÇAMENTO**

O Director apresentará annualmente ao Governo do paiz onde tiver a sua séde a Repartição um projecto de orçamento das rendas e despesas para o anno seguinte.

Approvado o orçamento pelo mencionado Governo será communicado aos demais Governos participantes indicando-lhes a quota que a cada um delles corresponda de accôrdo com a distribuição feita no artigo 7.

**ARTIGO 5.—DISTRIBUIÇÃO DO ORÇAMENTO**

Os vencimentos do pessoal da Repartição não excederá as duas terceiras partes do orçamento annual.

**ARTIGO 6.—CONTAS**

O Director terá a seu cargo a receita e emprego dos fundos da Repartição.

Deverá apresentar mensalmente ao Governo do paiz séde da mesma uma relação de ingressos e egressos; e semestralmente as contas gereas da administração.

O mencionado Governo, depois de examinal-as, as submeterá á consideração da Conferencia subsequente.

**ARTIGO 7.—CONTRIBUIÇÃO Á REPARTIÇÃO (O. I. R.).**

De accôrdo com o Artigo 8 (B) da Convenção, as contribuições dos Estados do continente americano serão as seguintes:

Categorias:	I	II	III	IV	V	VI
Unidades:	25	20	15	10	5	3
Paizes.	Argentina Canada Estados Unidos da America.		Brasil Mexico	Cuba	Colombia Chile Perú Venezuela.	Bolivia Costa-Rica Republica Dominicana Equador Guatemala Haiti Honduras Nicaragua Panama Paraguay Salvador Uruguay

## ANNEXO 3

**Da Convenção Interamericana Sobre Radiocomunicações  
Assignada em Havana, em 13 de Dezembro de 1937**

Aos effeitos do artigo 11, inciso D, da Convenção Interamericana sobre Radiocomunicações, se entende por:

**ZONA SEPTENTRIONAL** a que comprehende os paizes situados ao Norte de Guatemala e ao Norte da costa Sul das Republicas Dominicana e de Haiti;

**ZONA CENTRAL** a que comprehende os paizes e porções de paizes situados ao Sul do Mexico e ao Sul da costa meridional das Republicas Dominicana e de Haiti até o paralelo 5o. de latitude Sul; e

**ZONA MERIDIONAL** a que comprehende os paizes e porções de paizes situados ao Sul do paralelo 5o. de latitude Sul.

**PREMIERE CONFERENCE INTERAMERICAINE  
DE RADIO-COMMUNICATIONS**

**La Havane 1937.**

**CONVENTION INTERAMERICAINE DE  
RADIO-COMMUNICATIONS.**

arrêtée à La Havane, le 13 décembre 1937, entre les Gouvernements  
des pays suivants:

Brésil	République Dominicaine,	Nicaragua,
Canada,	Etats Unis d'Amérique,	Panama,
Chili,	Guatemala,	Pérou,
Colombie,	Haïti,	Uruguay et
Cuba,	Mélique,	Vénézuëla.

Reconnaissant les avantages de la coopération et de l'entente mutuelle qui résultent de l'échange d'idées au sujet de Radio-Communications, les Gouvernements ci-dessus ont désigné les plénipotentiaires soussignés à la Première Conférence Interaméricaine de Radio-Communications qui a eu lieu à La Havane, République de Cuba, lesquels, d'un commun accord et sujet à ratification, ont arrêté la Convention suivante, en conformité avec les dispositions de la Convention Internationales de Télé-Communications de Madrid 1932.

**Première Partie.**

**CONFERENCES.**

**ARTICLE 1.—OBJET.**

Les Gouvernements contractants ont décidé de se réunir périodiquement en Conférences de Plénipotentiaires pour y résoudre, de commun accord les problèmes qui pourraient se présenter dans le domaine des radio-communications dans le Continent Américain.

**ARTICLE 2.—COMPOSITION DES CONFERENCES.**

Les Conférences se composeront d'accord avec les termes fixés par le Règlement intérieur des Conférences Interaméricaines de Radio-Communications, (Annexe 1 de la présente Convention) des Délégués de tous les Gouvernements du Continent Américain qui accepteront d'y prendre part.

Des représentants d'institutions et d'organisations intéressées dans les Radio-communications, d'entreprises ou de groupements d'entreprises, d'entités ou de personnes qui exploitent des services radio-électriques, peuvent aussi y prendre part comme observateurs à condition d'y être autorisés par leurs gouvernements respectifs.

## ARTICLE 3.—VOTATION.

A) Les Etats qui réunissent les conditions suivantes:

- I.—Une population permanente,
- II.—Un territoire déterminé,
- III.—Un Gouvernement,
- IV.—La capacité d'engager des relations  
avec les autres Etats,

n'auront qu'une voix.

B) Les pays ou territoires qui ne possèdent pas les conditions ci-dessus, pourront prendre part aux débats, mais non pas voter au cours des conférences; mais ils pourront adhérer aux accords, résultats de ces Conférences, par l'intermédiaire de leurs Gouvernements métropolitains respectifs.

## ARTICLE 4.—LIEU ET DATE DES CONFERENCES

a) les Conférences auront lieu à des intervalles qui ne dépasseront pas trois ans. Le Pays et la date de réunion de chaque Conférence seront fixés par la Conférence antérieure. Cependant la date signalée pour une réunion pourra être avancée ou retardée, par le Gouvernement organisateur, à la demande de cinq ou de plus de cinq Gouvernements participants.

b) Le Gouvernement du Pays où doit se réunir une Conférence, qui sera appelé le Gouvernement Organisateur, fixera le lieu et la date définitive de la réunion et enverra, par la voie diplomatique, au moins six mois d'avance les invitations d'usage.

## ARTICLE 5.—REGLEMENT INTERIEUR DES CONFERENCES

Un Règlement Intérieur des Conférences interaméricaines de Radio-communications, (annexe 1) qui fixe la procédure des réunions de la Conférence et qui ne pourra être modifié que par un vote favorable d'une majorité des deux tiers des Etats participants à la Conférence mentionnée, est annexé à cette Convention.

## Deuxieme Partie

### BUREAU INTERAMERICAIN DE RADIO-COMMUNICATIONS. (O. I. R.)

## ARTICLE 6.—OBJET

Les Gouvernements contractants ont convenu:

A) D'établir le Bureau Interaméricain de Radio-communications (O. I. R.) comme organisme Interaméricain de caractère consultatif qui centralisera et facilitera l'échange et la circulation d'information concernant les Radio-communications sous tous leurs aspects, entre les Administrations des pays américains, et qui collaborera à l'organisation des Conférences mentionnées dans la première partie de cette Convention.

B) 1. De communiquer opportunément au Bureau Interaméricain de Radio-communication toutes les dispositions de législation intérieure et internationale qui sont en vigueur sur leurs territoires ainsi que les rapports de statistiques, techniques et administratifs concernant les radio-communications et de même les modifications qui se feront à ces dispositions; et

2. Ils devront remettre spécialement au Bureau Interaméricain de Radio-communications, tous les six mois, une liste officielle des fréquences par eux assignées à toutes les stations de radio-diffuseurs et en plus, tous les mois, ils devront rapporter toutes les modifications et toutes les additions qui y auront été faites.

Ces communications devront être faites d'accord avec la procédure adoptée dans le règlement général de radio-communications annexé à la Convention Internationale de Télécommunications en vigueur et on devra y inclure en plus:

- A) Puissance actuellement employée.
- B) Puissance maximum que l'on se propose d'employer.
- C) Horaire des Transmissions.

Ces communications devront se faire dans tous les cas indépendamment de celles qui se remettent au Bureau de l'Union Internationale de Télé-communications.

#### ARTICLE 7.—ATTRIBUTIONS.

Le Bureau Interaméricain de Radio-communications se chargera:

A) des travaux préparatoires aux Conférences et de ceux qui dérivent de leurs décisions.

B) de créer d'accord avec le Gouvernement organisateur, le Secrétariat des Conférences.

C) de publier et de distribuer les documents désignés par les Conférences;

D) de publier et de distribuer des informations techniques autres que celles qui résultent des Conférences, comprennent l'échange de renseignements relatifs à l'exactitude et à la stabilité des fréquences, aux interférences et aux autres dérangements observés sur le territoire des pays contractants et aux autres études qui se feront par exemple sur les caractéristiques générales des ondes de différentes antennes, etc, ainsi que l'échange de documents de caractère juridique, de Traités et d'information générale pour une meilleure compréhension et un meilleur perfectionnement des règles de radio-communications dans le continent américain.

E) de présenter un rapport annuel de ses travaux qui sera communiqué à tous les gouvernements contractants; et

F) de remplir n'importe quelle autre fonction qui lui corresponde ou qui lui soit attribuée par les Conférences.

#### ARTICLE 8.—SUBVENTION DU BUREAU

A) Les frais généraux du Bureau Interaméricain de radio-communications (O. I. R.) ne dépasseront pas la somme de vingt cinq mille dollars (\$25.000) en monnaie des Etats Unis d'Amérique, par an;

B) pour payer les frais chacun des Gouvernements Américains accepte de contribuer dans la proportion d'un certain nombre d'unités correspondant à la catégorie à laquelle il appartient, telle que prévue par le Règlement Intérieur de l' O. I. R.—Dans ce but 6 catégories sont établies avec les unités correspondant à chacune telles qu'indiquées ci-dessous:

Catégories:	I	II	III	IV	V	VI
Unités:	25	20	15	10	5	3

C) les frais généraux ne comprendront pas les frais causés par les Conférences; ces derniers seront payés par le Gouvernement organisateur.

D) les fonds nécessaires pour subventionner le Bureau devront être payés d'avance tous les 6 mois par les Gouvernements qui font partie du Bureau interaméricain de radio-communications. Si un gouvernement retardait ses paiements le gouvernement du pays siège du bureau avancera les fonds qui seront nécessaires; les fonds avancés par ce gouvernement devront être remboursés par le gouvernement débiteur le plus tôt possible, et au plus tard, au cours des 4 mois qui suivront la date à laquelle le paiement aurait dû être fait.

#### ARTICLE 9.—SIEGE ET SURVEILLANCE DU BUREAU.

A) le siège du bureau interaméricain de radio-communication et la désignation de directeur sera un des sujets du programme de chaque Conférence.

B) le Gouvernement du pays où le bureau a son siège sera chargé de son inspection et de la surveillance de son organisation, de son budget et de ses finances, et fera les avances nécessaires.

C) les comptes du Bureau international de Radio-communication seront soumis, par le Gouvernement du pays où siège le bureau, à l'approbation de la Conférence suivante.—

D) le bureau s'établira en premier lieu sous les auspices du Gouvernement de Cuba; son siège sera la ville de La Havane.

#### ARTICLE 10.—REGLEMENT INTERIEUR DE L'O. I. R.

Un règlement intérieur du Bureau interaméricain de Radio-communications est annexé à cette Convention (Annexe 2.) ce Règlement fixe les détails de cette organisation; il ne pourra être modifié que par une décision qui réunisse une majorité des deux tiers des voix des Etats représentés à une Conférence.

### Troisième Partie

#### DISPOSITIONS SPECIALES

#### ARTICLE 11.—PRINCIPES GENERAUX

A) Les Gouvernements contractants reconnaissent le droit souverain de toutes les nations à l'usage de toutes les voies de radio-diffusion.

B) Les Gouvernements américains, sous la seule condition de ne causer aucune interférence aux services des autres pays, peuvent assigner n'importe quelle espèce d'ondes et n'importe quelle fréquence aux stations de radio-diffusion que se trouvent sous leur juridiction.



C) Cependant les Etats reconnaissent que jusqu'à ce que le progrès technique atteigne un point qui permette d'éliminer les interférences de radio-communications de caractère international, les accords régionaux sont essentiels pour établir la normalisation et diminuer les interférences.

D) Pour résoudre les problèmes qui, à cause des caractéristiques spéciales de propagation et des conditions d'interférence des émissions radio-électriques dans les diverses zones géographiques, nécessitent de dispositions spéciales, les Gouvernements contractants accordent de diviser en trois régions le Continent américain; la zone septentrionale, la zone centrale, et la zone méridionale. (Annexe 3).

#### ARTICLE 12.—ACCORDS BI-LATERAUX.

Les Gouvernements contractants, quand ils le jugeront opportun, et dans les limites de cette Convention, arrêteront des accords bilatéraux entre leurs nations respectives concernant le fonctionnement des stations radio-télégraphiques pour faciliter les communications directes entre celles-ci.

#### ARTICLE 13.—POSTES DE CONTROLE DE FREQUENCES.

Les Gouvernements contractants s'engagent à établir dans le délai le plus court possible, des postes de contrôle de fréquence.

#### ARTICLE 14.—ECHANGE DE RAPPORTS.

Les Gouvernements contractants qui ne se sont pas engagés à remettre à un Bureau Interaméricain Centralisateur des rapports relatifs aux radio-communications sur son territoire, échangeront avec tous les autres gouvernements américains tous les renseignements auxquels se rapporte l'article 6 alinéa B) 2 de la présente Convention.

#### ARTICLE 15.—SECURITE DE LA VIE SUR MER ET DANS L'AIR.

Les Gouvernements contractants prendront les mesures nécessaires pour fournir un service de radio-communications approprié dépendant du Gouvernement, ou autorisé par celui-ci, pour la sécurité de la navigation maritime et aérienne.

#### ARTICLE 16.—OBLIGATION POUR TOUTE AERONEF COMMERCIALE D'ETRE MUNIE D'UN EQUIPEMENT RADIO-ELECTRIQUE

Les Gouvernements contractants décident:

A) que toute aéronef destinée au transport de passagers, faisant un service international de passagers, avec itinéraire fixe, devra être obligatoirement munie d'appareils radio-électriques de transmission et de réception qui puissent fonctionner avec efficacité et manipulés par des opérateurs dûment diplômés.

B) que les aéronefs destinées au transport international de passagers, dont le service suit un itinéraire fixe, et qui volent sur la mer à

plus de 75 kilomètres des côtes, devront être en mesure d'émettre et de recevoir sur la fréquence de 500 Kc/s., pour pouvoir établir des communications de secours avec les stations du service radio-électrique maritime.

ARTICLE 17.—ETABLISSEMENT DES STATIONS AERONAUTIQUES  
RADIO-ELECTRIQUES.

Les Gouvernements contractants ont convenu:

de prendre individuellement ou d'accord avec les pays voisins les mesures nécessaires pour établir un nombre suffisant de stations régionales administrées, ou autorisées par eux, pour fournir les renseignements météorologiques et de sécurité nécessaires au trafic aérien et au guidage des aéronefs.

ARTICLE 18.—COMMUNICATIONS D'URGENCE.

Sujet aux lois de son pays, n'importe quel poste radio-émetteur, pourra, en cas d'urgence et lorsque les communications normales sont interrompues à la suite d'ouragans, d'inondations, de tremblements de terre et de catastrophes semblables, établir des communications d'urgence avec des points autres que ceux qui sont normalement autorisés.

ARTICLE 19.—RADIO-DIFFUSION CULTURALE.

Les Gouvernements contractants prendront les mesures nécessaires pour faciliter et stimuler la retransmission et l'échange de programmes internationaux d'un caractère cultural, éducatif et historique, des pays du Continent Américain, au moyen de leurs postes de radio-diffusion respectifs.

ARTICLE 20.—RADIO-COMMUNICATIONS ADRESSEES A DES  
MULTIPLES DESTINATIONS.

Les Gouvernements américains ont convenu:

A) Les Gouvernements respectifs encourageront la transmission, dissémination et échanges rapides et économiques de nouvelles et d'informations entre les pays d'Amérique.

B) On facilitera aux publications informatives et aux agences de nouvelles l'emploi et la jouissance des avantages des radio-communications de presse, adressées à de multiples destinations en leur offrant a des prix minimum; pour cela on pourrait établir les tarifs en rapport avec les unités de temps employées pour les transmettre ou par d'autres moyens dont les résultats économique serait similaire.

C) Toutes les agences de nouvelles ou d'information dûment établies, les journaux ou autres publications périodiques, les postes de radio-diffusion, les revues cinématographiques, les services de reproduction typographique, les tableaux informatifs et tous les autres moyens de diffusion qui puissent se développer, devront jouir de tarifs bas et des avantages qui dérivent des principes établis par les articles antérieurs.

D) On devra stimuler l'usage et le développement des dispositifs et des méthodes qui ont pour but d'éviter l'interception non autorisée de nouvelles de presse transmises par radio-communications à de multiples adresses.

#### ARTICLE 21.—RETRANSMISSIONS.

Les Gouvernements contractants prendront les mesures nécessaires pour éviter que les programmes transmis par une station de radio-diffusion soient retransmis ou émis, totalement ou partiellement par une autre station sans avoir obtenu auparavant l'autorisation de la station d'origine.

Le poste qui retransmettra n'importe quel programme devra annoncer la retransmission, et, à intervalles appropriés, la nature de l'émission, la position du poste d'origine et l'indicatif d'appel ou toute autre identification de celui-ci.

#### ARTICLE 22.—POSTES CLANDESTINS.

Les Gouvernements contractants ont convenu qu'ils se prêteront une aide mutuelle pour découvrir et supprimer les postes émetteurs clandestins.

### Quatrième Partie.

#### DISPOSITIONS GENERALES.

#### ARTICLE 23.—ENTREE EN VIGUEUR ET RATIFICATIONS.

A) La présente Convention sera ratifiée par tous les Etats contractants conformément à leurs procédures constitutionnelles respectives.

B) Les Première, Troisième et Quatrième Parties de la présente Convention entreranno en vigueur le 10. juillet 1938, si à cette date, se trouvent déposées, par-devant le Gouvernement du pays où la Conférence a eu lieu, deux ratifications ou adhésions définitives. Si à cette date, deux ratifications ou deux adhésions n'ont pas été déposées, ces Parties de la Convention entreranno en vigueur trente jours après la déposition de la deuxième ratification ou adhésion définitive.

C) La Seconde Partie de cette Convention entrera en vigueur quand se trouvera déposée la ratification ou l'adhésion définitive des Gouvernements Américains dont les contributions pour la subvention du Bureau interaméricain de Radio-Communications, d'accord avec ce que prévoit l'article 8, alinéa B), représentent, une fois additionnées, plus de la moitié des unités établies par le Règlement intérieur du Bureau interaméricain de Radio-communications (Annexe 2, article 7).

D) Le Gouvernement dépositaire communiquera, dans le plus court délai possible, à tous les Etats américains, les ratifications ou les adhésions définitives.

#### ARTICLE 24.—ADHESIONS.

Cette Convention restera ouverte à l'adhésion de tous les pays américains non-signataires.

## ARTICLE 25.—DIVISIBILITE DE LA CONVENTION.

Les ratifications ou les adhésions à la présente Convention pourront se rapporter à son ensemble ou à deux parties ou plus, si, dans tous les cas on ratifie la Première et la Quatrième Partie, ou on y adhère. (Conférences et Dispositions générales)

## ARTICLE 26.—RAPPORTS DES RATIFICATIONS ET DES ADHESIONS

Le 1er. juin 1938, et après cette date, tous les six mois, le Gouvernement dépositaire demandera aux Gouvernements des Etats américains qui n'auraient pas ratifié la présente Convention ou qui n'y auraient pas adhéré, de bien vouloir rendre un rapport sur cette ratification ou cette adhésion. Ces rapports seront communiqués à tous les autres Gouvernements américains.

## ARTICLE 27.—DENONCIATION.

A) On pourra dénoncer la présente Convention totalement, ou seulement ses Parties Deux et Trois, par une communication adressée au Gouvernement dépositaire. Cette communication prendra effet un an à partir du jour où elle aura été reçue, et seulement pour le Gouvernement qui l'aura signifié.

B) Le Gouvernement dépositaire communiquera à tous les Etats américains les dénonciations reçues.

## ARTICLE 28.—LANGUES.

La présente Convention à été rédigée en espagnol, en anglais, en portuguais et en français; ces textes feront également foi.

## ARTICLE 29.—ACCORDS SPECIAUX.

Les Gouvernements contractants de la Convention interaméricaine de Radio-Communication se réservent le droit d'établir des accords spéciaux ou régionaux, qui ne se rapportent pas aux Gouvernements en général. Cependant ces accords ne devront pas enfreindre les limites de la présente Convention et des autres Règlements qui y sont annexés pour tout ce qui se rapporte à l'interférence qui pourrait résulter de ces accords, avec les services des autres pays.

## ARTICLE 30.—CODIFICATION.

Dans les prochaines Conférences, toutes les dispositions de la présente Convention et de ses Règlements qui n'auront pas été modifiées, s'incorporeront aux autres règles qui s'y adopteront.

## ARTICLE 31.—ARBITRAGE.

A) En cas de désaccord entre deux ou plusieurs gouvernements contractants relativement à l'exécution de la présente Convention, le différend, s'il n'est réglé par la voie diplomatique, sera soumis à un jugement arbitral à la demande d'un quelconque des gouvernements en désaccord.

B) A moins que les Parties en désaccord ne s'entendent pour faire usage d'une procédure déjà établie par des traités (bilatéraux ou multilatéraux), (conclus entre elles pour le règlement des conflits internationaux, ou de celle prévue au paragraphe G du présent article) il sera procédé comme il suit à la désignation des arbitres:

C) (1) Les Parties décident, après entente réciproque, si l'arbitrage doit être confié à des personnes ou à des gouvernements; à défaut d'entente, il sera recouru à des gouvernements.

(2) Dans le cas où l'arbitrage doit être confié à des personnes, les arbitres ne pourront être de la nationalité d'aucune des Parties intéressées dans le différend.

(3) Dans le cas où l'arbitrage doit être confié à des gouvernements ceux-ci doivent être choisis parmi les Parties adhérentes à l'accord dont l'application a provoqué le différend.

D) La Partie qui fait appel à l'arbitrage est considérée comme Partie demanderesse. Elle désigne un arbitre et le notifie à la partie adverse. La Partie défenderesse devra alors désigner un second arbitre dans un délai de deux mois, à partir de la date où elle a reçu la communication de la demanderesse.

E) S'il s'agit de plus de deux Parties, chaque groupe de demandereses ou défenderesses procédera à la nomination d'un arbitre en observant le procédé indiqué par l'alinéa D.

F) Les deux arbitres ainsi nommés s'entendront pour désigner un surarbitre, qui, si les arbitres sont des personnes et non pas de gouvernements, ne pourra être de la nationalité d'aucun d'eux et d'aucune des Parties. Si les arbitres ne se mettent pas d'accord sur le choix du surarbitre, chaque arbitre propose un surarbitre désintéressé dans le différend.

Il est ensuite tiré au sort entre les surarbitres proposés. Le Délégué d'un Gouvernement américain désintéressé dans le différend, et choisi par les deux arbitres, fera le tirage au sort.

G.—Enfin, les Parties en désaccord ont la faculté de faire juger leur différend par un seul arbitre. Dans ce cas ou bien elles s'entendent sur le choix de l'arbitre, ou bien celui-ci est désigné conformément à la méthode indiquée par l'alinéa F.

H.—Les arbitres arrêtent librement la procédure à suivre.

I.—Chaque Partie supporte les dépenses que lui occasionne l'instruction du différend. Les frais d'arbitrage sont répartis de façon égale entre les Parties en cause.

En foi de quoi les Délégués respectifs ont signé des copies de ce document en espagnol, en anglais, en portugais et en français, lesquelles seront déposées aux archives du Gouvernement de Cuba qui en adressera une copie certifiée en chaque langue aux autres Gouvernements contractants.

Fait à la Havane, République de Cuba, le 13 décembre 1937.

#### RESERVES DU BRESIL

Le Gouvernement du Brésil a autorisé le Président de sa Délégation à la Première Conférence Inter-Américaine de Radio-Communications

a signer "ad referendum" les Accords internationaux que cette Conférence vient d'adopter, sous la réserve suivante: le Gouvernement du Brésil ne confirmera ces Accords que si leurs dispositions ne sont pas en désaccord avec l'Accord sud-américain de Rio de Janeiro, avec son Règlement intérieur, avec tout autre engagement international déjà contracté par le Gouvernement brésilien.

LA HAVANE, 13 décembre 1937.

BRESIL:

Le Délégué du Brésil signe "ad referendum"  
avec les réserves indiquées ci-dessus.

José Roberto de Macedo-Soares.

CANADA:

Laurent Beaudry.  
C. P. Edwards.

COLOMBIE:

Jorge Soto del Corral.  
Ricardo Gutierrez Lee y Rivero.

CUBA:

Wifredo Albanés y Peña.  
Andrés Asensio y Carrasco.  
Nicolás González de Mendoza y de la Torre.  
Alfonso Hernández Catá y Galt.

CHILI:

Emilio Edwards Bello.

REPUBLIQUE DOMINICAINE:

Roberto Despradel.  
Máximo Lovatón P.

ETATS UNIS D'AMERIQUE:

T. A. M. Craven.

GUATEMALA:

Arturo Cobar L.

HAITI:

Justin Bédet.

MEXIQUE:

Ignacio Galindo.  
Salvador Tayabas.  
Fernando Sanchez Ayala.  
Rubén Fuentes.

NICARAGUA:

Guillermo Arguedas.

PANAMA:

Ernesto B. Fábrega.

PEROU:

Carlos A. Tudela.

URUGUAY:

César Gorri.

VENEZUELA:

Alberto Smith.

## ANNEXE 1

A la Convention Interamericaine de Radio-Communications.  
Signée a la Havane, le 13 Decembre 1937.

REGLEMENT INTERIEUR DES CONFERENCES INTERAMERICAINES DE  
RADIO-COMMUNICATIONS.

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*Chapitre I.*

## DEFINITIONS.

## ARTICLE 1.—GOUVERNEMENTS AMERICAINS, DELEGUES ET REPRESENTANTS.

Lorsque le présent Règlement fera partie d'une Convention Inter-américaine concernant la Radio-communication, et lorsqu'apparaîtront dans le présent Règlement les expressions Gouvernements américains, Délégués et Représentants, on l'interprétera:

a) *Gouvernements américains*: Comme les Gouvernements des Etats du continent américain.

b) *Délégués*: comme les personnes qui ont été désignées officiellement par les Gouvernements qui font partie de la Conférence et qui ont reçu de ceux-ci des pouvoirs suffisants pour voter et signer en leur nom.

c) *Représentants*: comme les membres des institutions ou des organisations publiques ou privées, ou comme les individus spécialement intéressés par la radio-communication, qui sont accrédités par un Gouvernement pour observer les travaux des Conférences; ils ne pourront pas prendre part aux débats ni voter, et ne pourront exprimer leurs vues que par l'intermédiaire de la délégation de leurs pays respectifs. Cependant les représentants pourront prendre part aux débats, sur les questions techniques, dans les commissions, lorsqu'ils y seront expressement autorisés par leurs délégations.—

*Chapitre II.*

## ORGANISATION DES CONFÉRENCES

## ARTICLE 2.—FONCTIONNAIRES DE LA CONFÉRENCE.

a) *Président Provisoire*: Le Gouvernement organisateur désignera le Président provisoire, qui présidera la séance d'inauguration et qui continuera dans l'exercice de ses fonctions jusqu'à ce que la Conférence désigne son Président permanent.

b) *Président Permanent*: Le Président Permanent sera élu par une majorité absolue des Délégations présentes à la Conférence.

c) *Vice-Président*: Pendant la première séance on tirera au sort l'ordre de préseance des Délégations, et dans le même ordre, les Présidents des Délégations deviendront Vice-Présidents et remplaceront le Président pendant son absence.

d) *Secrétaire Général*: Le Secrétaire Général de la Conférence sera désigné par le Gouvernement organisateur.

## ARTICLE 3.—ATTRIBUTIONS DES FONCTIONNAIRES.

a) *Président*: Le Président dirigera les travaux de la Conférence ouvrira, suspendra et lèvera les séances; donnera la parole dans l'ordre dans lequel elle aura été demandée; déclarera les discussions closes; mettra les questions aux voix; proclamera les résultats du scrutin et veillera à l'observation des Règlements.

b) *Vice-Président*: En cas d'absence du Président, les Vice-Présidents, dans l'ordre de préseance établi par l'article 2, alinéa c) assumeront et exerceront ses fonctions;

c) *Secrétaire Général*: Le Secrétaire Général aura les attributions suivantes:

1.—Organiser, diriger et coordonner le travail du personnel désigné pour le Secrétariat;

2.—Recevoir la correspondance officielle de la Conférence et lui faire suivre son cours.

3.—Être l'intermédiaire entre les Délégations et le Gouvernement organisateur, pour tous les sujets relatifs à la Conférence;

4.—Préparer et distribuer les compte-rendus des séances, ainsi que l'information et les documents de la Conférence et d'accord avec les instructions du président, rédiger les ordre-du-jour.—

d) *Secrétariat*: Le Gouvernement organisateur désignera le personnel du Secrétariat de la Conférence qui se placera sous la direction du Secrétaire, Général:—

## ARTICLE 4.—DES COMMISSIONS.

Des Commissions seront organisées pour un plus efficace fonctionnement de la Conférence, pour une étude plus approfondie des thèmes de son programme et pour la simplification de ses travaux.—Les Commissions soumettront le résultat de leurs travaux à l'approbation des Séances plénières de la Conférence. Il pourra y avoir plusieurs Commissions pour mieux s'adapter au Programme, mais en principe,



les Commissions suivantes représentent les types de Commissions qui devront être établies:

- (A) D'Initiatives;
- (B) De vérification de pouvoirs;
- (C) Technique;
- (D) Juridique-Administrative; et
- (E) De Rédaction.

ARTICLE 5.—MEMBRES DES COMMISSIONS.

a) La Commission d'initiatives sera composée par les Présidents des Délégations ou par leurs substituts, et devra être présidée par le Président de la Conférence;

b) Pendant la première séance plénière, la Conférence, sous la proposition de son président, élira une commission de vérification de pouvoirs composée de cinq membres;

c) Les autres commissions seront composées par des Délégués d'accord avec les désignations faites par les Présidents de leurs Délégations respectives, et communiquées au Président permanent. Les représentants pourront assister et participer aux séances des commissions d'accord avec les assignations faites par les Présidents de leurs Délégations respectives, et conformément à l'article 1 c).—

d) Les commissions peuvent inviter pour collaborer à leur travaux des spécialistes ou juristes dont les conseils ou les rapports peuvent être considérés comme ayant une grande valeur.

ARTICLE 6.—ORGANISATION DES COMMISSIONS.

a) Chaque Commission sera présidée, pendant sa séance d'organisation par le Président Permanent de la Conférence, et on y élira entre ses membres, son président et son vice-président;

b) Le Président de chaque commission pourra désigner un ou plusieurs rapporteurs.

c) Chaque Commission pourra créer toutes les sous-Commissions qu'elle juge nécessaires.

ARTICLE 7.—FONCTIONS DES COMMISSIONS.

a) La Commission d'Initiatives coordonnera les travaux de la Conférence; tranchera les questions d'ordre intérieur concernant la Conférence et celles qui lui seront présentées par les autres Commissions ou par le Secrétariat; elle prendra des résolutions par deux tiers de majorité, sur les nouveaux sujets du ressort de la Conférence, qui seront présentés par les Délégations et surtout conseillera le Président Permanent pour tous les sujets non inclus dans le présent Règlement intérieur.

b) La Commission de vérification de pouvoirs examinera les pouvoirs présentés par les membres des Délégations, s'assurera qu'ils sont en bonne et due forme, et en fera, sans délai, rapport à la Conférence;

c) La Commission technique se chargera de l'étude de tous les aspects techniques concernant la radio-communication, et de toutes les autres matières comprises dans le programme de la Conférence au sujet de la technique.

d) La Commission Juridique-administrative se chargera de l'étude de tous les aspects juridiques des sujets du programme ainsi que de tous les sujets qui ont un caractère essentiellement administratif.

Comme Commission juridique elle fixera le lexique définitif qui devra être employé pour tous les accords ou résolutions, concernant non seulement les sujets qui se trouvent directement sous sa juridiction, mais encore tous les autres sujets qui émanent des autres Commissions de la Conférence.

e) *La Commission de Rédaction* se chargera de la rédaction définitive des Accords et Résolutions de la Conférence, sans altérer leur sens, dans le but de prévenir les répétitions ou duplications; dans ce cas les documents seront remis à la Commission d'origine pour être corrigés.

f) *Les rapporteurs des Commissions*:

a) ouvriront la discussion des sujets en étude et présenteront des rapports contenant les antécédents et une analyse des divers aspects des sujets; ces rapports serviront de base à la discussion.

b) Une fois close la discussion, les débats seront résumés dans un rapport, et on rédigera d'accord avec la majorité de chaque Commission un projet qui, une fois approuvé par la Commission, sera soumis à la Conférence.

c) La minorité de n'importe quelle commission aura le droit de désigner un rapporteur qui exposera à la Conférence les opinions de la minorité et les projets rédigés par celle-ci.

### *Chapitre III.*

#### LANGUES OFFICIELLES.

ARTICLE 0 [8].—ESPAGNOL, ANGLAIS, PORTUGUAIS ET FRANCAIS.

Les langues officielles seront l'espagnol, l'anglais, le portugais et le français. Le Gouvernement organisateur prendra toutes les mesures nécessaires pour assurer l'accomplissement de cette disposition.

### *Chapitre IV.*

#### QUORUM ET VOTATION.

ARTICLE 9.—QUORUM.

Pour qu'il y ait quorum dans les Séances Plénières de la Conférence, la majorité des Délégations devra être présente; un ou plusieurs délégués pourront représenter chaque Délégation.

Pour qu'il y ait quorum dans les séances des commissions la majorité des Délégations devra être présente. Chaque Délégation pourra être représentée par un ou plusieurs délégués.

ARTICLE 10.—VOTATION.

a) la votation se fera sur la base d'une seule voix par Etat qui réunisse les conditions suivantes:

- I. Une population permanente.
- II. Un territoire déterminé.
- III. Un gouvernement.
- IV. La capacité pour engager des relations avec les autres Etats.

Les pays ou territoires qui ne réuniront pas ces conditions pourront prendre part aux débats mais non pas voter dans les Conférences;

mais ils pourront s'adhérer aux accords, qui résultent de ces Conférences, par l'intermédiaire de leurs Gouvernements métropolitains respectifs.

b) Le Président de la Délégation ou le membre qui le représente, devra voter au nom de chaque Délégation dans les Séances Plénières et dans les séances des Commissions.

c) Les délégués voteront en se levant ou de toute autre manière convenue. Mais à la demande d'une délégation quelconque ou par décision du Président, la votation devra se faire par l'appel nominal dans l'ordre alphabétique des noms des pays respectifs, établi en espagnol.

d) Les propositions et modifications ne seront adoptées qu'une fois obtenue la majorité des voix. En cas d'égalité des voix, elles seront considérées comme non acceptées.

#### *Chapitre V.*

#### PROCEDURE.

##### ARTICLE 11.—SEANCES PLENIERES.

a) La séance d'inauguration de la Conférence aura lieu au jour et lieu fixés par le Gouvernement organisateur, et les autres séances auront lieu aux dates fixées par la Conférence.

b) Quand une séance plénière aura lieu, on lira, pour les soumettre à son approbation, les comptes-rendus des séances antérieures, excepté celui de la séance d'inauguration, à moins que, par unanimité, les Délégations conviennent d'omettre cette lecture.

c) Les comptes-rendus des séances plénières seront rédigés par le personnel du Secrétariat général. Les opinions et les propositions avec leurs arguments, n'apparaissent que sous forme résumée dans les compte rendus des séances, avec une relation sommaire des débats.

Tout délégué cependant, pourra demander l'insertion complète dans le compte-rendu, de toute déclaration qu'il ait faite mais dans ce cas il fournira au Secrétariat, aussitôt close la Séance Plénière, le texte correspondant.

d) Les Délégués pourront présenter à la Conférence, par écrit leurs opinions sur les sujets en discussion, et solliciter qu'elles soient ajoutées aux compte-rendus des séances ou elles ont été faites.

e) Les séances plénières de la Conférence seront ouvertes au public. A la demande de n'importe quel délégué les séances peuvent être déclarées secrètes, si cette proposition obtient une majorité de voix. Cette proposition sera considérée comme ayant une préseance, et ne sera pas discutée.

f) La Conférence pourra ne pas observer le procédé d'usage et passer à la considération d'un sujet, par une majorité des deux tiers des Délégations présentes, excepté quand il s'agira d'un nouveau sujet; dans ce dernier cas les règles de procédé qui apparaissent dans l'article 13, seront toujours suivies.

g) Les modifications seront présentées pour être discutées et mises aux voix avant la proposition qu'on veut modifier.

h) Les compte-rendus des séances plénières devront être signés par le Président et par le Secrétaire Général.

i) Dans la séance plénière de clôture, les accords et résolutions adoptés par les différentes commissions de la Conférence seront signés, et on signalera le pays où se réunira la prochaine Conférence ainsi que la date de son inauguration.

#### ARTICLE 12.—SEANCES DES COMMISSIONS.

a) La procédure concernant les séances plénières sera autant que possible, suivie dans les séances des commissions.

b) Les comptes-rendus des commissions devront être signés par le Président et par le Secrétaire.

### *Chapitre VI.*

## NOUVEAUX SUJETS.

#### ARTICLE 13.—REGLES DE PROCEDURE.

Si une Délégation soumet à la considération de la Conférence un sujet non inclus dans son programme, le nouveau sujet sera soumis pour être étudié à la Commission d'initiatives, et après la présentation et l'approbation d'un rapport par une majorité des deux tiers des Délégations de la Conférence, il sera remis à la Commission compétente.

## ANNEXE 2

A la Convention Interaméricaine de Radio-Communications,  
Signée a la Havane, le 13 Decembre 1937.

### REGLEMENT INTERIEUR DU BUREAU INTERAMERICAIN DE RADIO-COMMUNICATIONS. (O.I.R.)

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- Art. 5.—Traitement du personnel.
- Art. 6.—Comptes.
- Art. 7.—Contributions pour l'O.I.R.

#### ARTICLE 1.—ADMINISTRATION.

Le Bureau interaméricain de Radio-communications sera administré par un Directeur qui sera désigné par la Conférence Interaméricaine de Radio-Communication sur la proposition d'une commission spéciale de la même Conférence.

#### ARTICLE 2.—PREMIER DIRECTEUR

Le premier Directeur sera désigné par le Gouvernement cubain.

#### ARTICLE 3.—DESIGNATION DU PERSONNEL DU BUREAU.

Le Directeur désignera les auxiliaires et les fonctionnaires compétents, y compris les interprètes et les traducteurs dont il soit besoin pour les travaux du Bureau.

#### ARTICLE 4.—BUDGET.

Le Directeur présentera annuellement au Gouvernement du pays au siège le Bureau, un projet de budget de dépenses et de recettes, pour l'année suivante.

Une fois que ce budget aura été approuvé par le Gouvernement en question, il sera communiqué aux autres Gouvernements participants en leur indiquant la contribution qui leur correspond individuellement d'accord avec la distribution faite par l'article 7.

**ARTICLE 5.—TRAITEMENT DU PERSONNEL.**

Les traitements du personnel du Bureau ne devront pas dépasser les deux tiers du budget annuel.

**ARTICLE 6.—COMPTES.**

Le Directeur aura à sa charge la perception et l'emploi des fonds du Bureau.

Il devra présenter mensuellement au Gouvernement du pays siège du Bureau, un compte-fendu des recettes et des dépenses; et, tous les six mois, les comptes généraux de l'administration.

Ce Gouvernement, après les avoir examinées, les soumettra à la considération de la Conférence suivante.

**ARTICLE 7.—CONTRIBUTION POUR L'O.I.R.**

D'accord avec l'article 8 (b) de la Convention, les contributions des Etats du continent Américain seront les suivantes:

Catégorie.	I	II	III	IV	V	VI
Unités.	25	20	15	10	5	3
Pays	Argentine Canada Etats-Unis d'Amérique.		Brésil Mexique	Cuba	Colombie Chili Pérou Venezuela.	Bolivie Costa-Rica République Dominicaine. Equateur. Guatemala Haïti Honduras Nicaragua Panama Paraguay Salvador Uruguay.

### ANNEXE 3

#### A la Convention Interaméricaine de Radio-Communications.

##### DEFINITIONS DES ZONES

Pour les fins de l'article 11, alinéa D. de la Convention interaméricaine de Radio-Communications, on entendra par:

**ZONE SEPTENTRIONALE:** la zone qui comprend le pays situés au nord du Guatemala et au nord de la côte sud des Républiques de Haïti et de St. Domingue.

**ZONE CENTRALE:** la zone qui comprend les pays et fractions de pays, situés au sud du Mexique et de la côte sud des Républiques de Haïti et de Saint Domingue, et s'étendant jusqu'au parallèle 5°. latitude sud

**ZONE MÉRIIONALE:** la zone qui comprend les pays et fractions de pays, situés au sud du parallèle 5°. latitude sud.

AND WHEREAS it is provided in Section (B) of Article 23 of the said Convention that Parts One, Three and Four thereof shall come into force on the first day of July, one thousand nine hundred and thirty-eight, if at that date two ratifications or final adherences have been deposited with the Government of the country where the conference was held, namely, Cuba;

AND WHEREAS the ratifications of the said Convention by the Governments of Cuba and Haiti were deposited with the Government of Cuba at Habana on the twelfth day of January, one thousand nine hundred and thirty-eight and the twenty-seventh day of June, one thousand nine hundred and thirty-eight, respectively, Parts One, Three and Four of the said Convention thus coming into force on the first day of July, one thousand nine hundred and thirty-eight;

Deposit of ratifications by Cuba and Haiti.

AND WHEREAS the said Convention has been duly ratified on the part of the United States of America and the instrument of ratification of the United States of America was deposited with the Government of Cuba at Habana on the twenty-first day of July, one thousand nine hundred and thirty-eight, Parts One, Three and Four of the Convention thus coming into force with respect to the United States of America;

By United States of America.

AND WHEREAS it is provided in Section (C) of Article 23 of the said Convention that in order that Part Two of the said Convention shall come into force it will be necessary that the ratifications or final adherences deposited by the American Governments shall represent, when added together, more than one-half of the contributory units established for the maintenance of the Inter-American Radio Office in accordance with Article 8, paragraph (B), of the Convention, as classified in the Internal Regulations of the Inter-American Radio Office (Annex two, Article 7);

Provisions concerning maintenance of the Inter-American Radio Office.

*Ante*, pp. 1595, 1608.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Inter-American Radio Communications Convention to be made public to the ends that Parts One, Three and Four thereof shall be observed and fulfilled with good faith by the United States of America and the citizens thereof, and that Part Two thereof shall be so observed and fulfilled at and from the time when that Part shall have come into force in accordance with Section (C) of the aforesaid Article 23.

Proclamation.

*Ante*, pp. 1593, 1596, 1598.

*Ante*, p. 1594.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of September  
[SEAL] in the year of our Lord one thousand nine hundred and thirty-eight and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*



*Convention and protocol between the United States of America and other powers regarding the abolition of the capitulations in Egypt. Signed at Montreux May 8, 1937; ratification advised by the Senate of the United States June 13, 1938; ratified by the President July 5, 1938; ratification of the United States of America deposited at Cairo August 29, 1938; proclaimed September 19, 1938. And related papers.*

May 8, 1937

[T. S. No. 939]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

WHEREAS a convention regarding the abolition of the capitulations in Egypt and defining the rights of the United States of America and of the other capitulatory powers in Egypt consequent upon the abolition of the capitulatory regime in that country and a protocol were signed in behalf of Egypt on the one part and in behalf of the United States of America, Belgium, Great Britain and Northern Ireland, Australia, New Zealand, South Africa, the Irish Free State, India, Denmark, Spain, France, Greece, Italy, Norway, the Netherlands, Portugal and Sweden on the other part, at Montreux, Switzerland, on the eighth day of May, one thousand nine hundred and thirty-seven, the original of which convention and protocol, being in the French and English languages, is word for word as follows:

Multilateral convention and protocol regarding the abolition of the capitulations in Egypt.  
Preamble.



## CONVENTION CONCERNANT L'ABOLITION DES CAPITULATIONS EN ÉGYPTÉ

Signée a Montreux, le 8 Mai 1937

SA MAJESTÉ LE ROI D'ÉGYPTÉ, d'une part,  
et

LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE; SA MAJESTÉ LE ROI DES BELGES; SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES; SA MAJESTÉ LE ROI DE DANEMARK; LE PRÉSIDENT DE LA RÉPUBLIQUE ESPAGNOLE; LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE; SA MAJESTÉ LE ROI DES HELLÈNES; SA MAJESTÉ LE ROI D'ITALIE, EMPEREUR D'ÉTHIOPIE; SA MAJESTÉ LE ROI DE NORVÈGE; SA MAJESTÉ LA REINE DES PAYS-BAS; LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE; SA MAJESTÉ LE ROI DE SUÈDE, d'autre part;

Considérant que le régime des Capitulations jusqu'ici en vigueur en Egypte ne correspond plus à la situation nouvelle à laquelle ce pays est parvenu par le progrès de ses institutions et qu'il doit en conséquence y être mis fin;

Estimant qu'à la suite de l'abolition, convenue d'un commun accord, dudit régime, il convient d'établir entre eux des relations basées sur le respect de l'indépendance et de la souveraineté des Etats et sur le droit commun international;

Animés du sincère désir de faciliter entre eux la plus large et la plus confiante collaboration;

Ont décidé de conclure une convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir:

LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE:

M. Bert Fish, Envoyé extraordinaire et Ministre plénipotentiaire des Etats-Unis d'Amérique au Caire;

SA MAJESTÉ LE ROI DES BELGES:

M. Pierre Forthomme, Grand Croix de l'Ordre de la Couronne, Grand Officier de l'Ordre de Léopold, ancien Ministre, Envoyé extraordinaire et Ministre plénipotentiaire;

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES DOMINIONS BRITANNIQUES AU DELA DES MERS, EMPEREUR DES INDES:

*Pour la Grande-Bretagne et l'Irlande du Nord:*

Le Très Honorable Capitaine David Euan Wallace, M. C., M. P.,  
Sous-Secrétaire d'Etat Parlementaire aux Affaires étrangères,  
Secrétaire Parlementaire au Board of Trade, Secrétaire du  
Département du Commerce d'outre-mer;

**CONVENTION REGARDING THE ABOLITION OF THE CAPITULATIONS IN EGYPT**

Signed at Montreux, on May 8th, 1937

**HIS MAJESTY THE KING OF EGYPT, of the one part,**  
and

Signatory Powers.

**THE PRESIDENT OF THE UNITED STATES OF AMERICA; HIS MAJESTY THE KING OF THE BELGIANS; HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA; HIS MAJESTY THE KING OF DENMARK; THE PRESIDENT OF THE SPANISH REPUBLIC; THE PRESIDENT OF THE FRENCH REPUBLIC; HIS MAJESTY THE KING OF THE HELLENES; HIS MAJESTY THE KING OF ITALY, EMPEROR OF ETHIOPIA; HIS MAJESTY THE KING OF NORWAY; HER MAJESTY THE QUEEN OF THE NETHERLANDS; THE PRESIDENT OF THE PORTUGUESE REPUBLIC: HIS MAJESTY THE KING OF SWEDEN, of the other part;**

Whereas the régime of Capitulations hitherto in force in Egypt is no longer in harmony with the new situation to which that country has attained through the progress of its institutions and whereas it should in consequence be brought to an end;

Purposes declared.

Considering that, following upon the abolition by common agreement of the said régime, there should be established between them relations based on respect for the independence and sovereignty of States and on ordinary international law;

Prompted by the sincere desire to facilitate the most extensive and friendly co-operation between them;

Have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

**THE PRESIDENT OF THE UNITED STATES OF AMERICA:**

Plenipotentiaries.

**Mr. Bert Fish, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Cairo;**

**HIS MAJESTY THE KING OF THE BELGIANS:**

**M. Pierre Forthomme, Grand Cross of the Order of the Crown, Grand Officer of the Order of Leopold, former Minister, Envoy Extraordinary and Minister Plenipotentiary;**

**HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA:**

*For Great Britain and Northern Ireland:*

**Captain the Right Honourable David Euan Wallace, M. C., M. P., a Parliamentary Under-Secretary of State for Foreign Affairs, a Parliamentary Secretary to the Board of Trade, Secretary of the Department of Overseas Trade;**

M. David Victor Kelly, C. M. G., M. C., Conseiller à l'Ambassade de Sa Majesté Britannique au Caire;

M. William Eric Beckett, C. M. G., Deuxième Conseiller Juridique au Foreign Office;

*Pour le Commonwealth d'Australie:*

Le Très Honorable Capitaine David Euan Wallace, M. C., M. P.;

*Pour le Dominion de Nouvelle-Zélande:*

Le Très Honorable Capitaine David Euan Wallace, M. C., M. P.;

*Pour l'Union Sud-Africaine:*

M. le Dr. Stefanus François Naudé Gie, Ministre de l'Union Sud-Africaine à Berlin;

M. Harry Thomson Andrews, Délégué permanent auprès de la Société des Nations;

*Pour l'État Libre d'Irlande:*

M. Francis T. Cremins, Délégué permanent auprès de la Société des Nations;

*Pour l'Inde:*

Le Très Honorable Capitaine David Euan Wallace, M. C., M. P.;

**SA MAJESTÉ LE ROI DE DANEMARK:**

M. Niels Peter Arnstedt, Envoyé extraordinaire et Ministre plénipotentiaire au Caire;

M. Niels Vilhelm Boeg, Membre de la Cour d'Appel à Copenhague, ancien juge près les Tribunaux de la Réforme en Egypte, ancien Président du Tribunal arbitral mixte turco-grec;

**SA MAJESTÉ LE ROI D'ÉGYPTE:**

Moustapha El-Nahas Pacha, Président du Conseil des Ministres, Ministre de l'Intérieur et de l'Hygiène publique;

Dr. Ahmed Maher, Président de la Chambre des Députés;

Wacyf Boutros Ghali Pacha, Ministre des Affaires étrangères;

Makram Ebeid Pacha, Ministre des Finances;

Abdel Hamid Badaoui Pacha, Président du Comité du Contentieux de l'Etat;

**LA PRÉSIDENT DE LA RÉPUBLIQUE ESPAGNOLE:**

M. Antonio Fabra Ribas, Envoyé extraordinaire et Ministre plénipotentiaire à Berne;

M. Mariano Gomez, Président de la Cour Suprême de Justice et ancien Recteur de l'Université de Valence;

**LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE:**

M. François de Tessan, Député, Sous-Secrétaire d'Etat à la Présidence du Conseil;

M. Max Hymans, Député, ancien Président de la Commission des douanes et des Conventions commerciales;

Mr. David Victor Kelly, C. M. G., M. C., Counsellor in His Britannic Majesty's Embassy at Cairo;

Mr. William Eric Beckett, C. M. G., Second Legal Adviser to the Foreign Office;

*For the Commonwealth of Australia:*

Captain the Right Honourable David Euan Wallace, M. C., M. P.;

*For the Dominion of New Zealand:*

Captain the Right Honourable David Euan Wallace, M. C., M. P.;

*For the Union of South Africa:*

Dr. Stefanus François Naudé Gie, Minister of the Union of South Africa in Berlin;

Mr. Harry Thomson Andrews, Permanent Delegate to the League of Nations;

*For the Irish Free State:*

Mr. Francis T. Cremins, Permanent Delegate to the League of Nations;

*For India:*

Captain the Right Honourable David Euan Wallace, M. C., M. P.;

HIS MAJESTY THE KING OF DENMARK:

M. Niels Peter Arnstedt, Envoy Extraordinary and Minister Plenipotentiary at Cairo;

M. Niels Vilhelm Boeg, Member of the Court of Appeal at Copenhagen, former Judge of the Mixed Tribunals in Egypt, former President of the Mixed Greco-Turkish Arbitration Tribunal;

HIS MAJESTY THE KING OF EGYPT:

Mustapha El-Nahas Pasha, President of the Council of Ministers, Minister of the Interior and of Public Health;

Dr. Ahmed Maher, President of the Chamber of Deputies;

Wacyf Boutros Ghali Pasha, Minister for Foreign Affairs;

Makram Ebeid Pasha, Minister of Finance;

Abdel Hamid Badaoui Pasha, President of the *Comité du Contentieux de l'Etat*;

THE PRESIDENT OF THE SPANISH REPUBLIC:

M. Antonio Fabra Ribas, Envoy Extraordinary and Minister Plenipotentiary at Berne;

M. Mariano Gomez, President of the Supreme Court of Justice; former Rector of the University of Valencia;

THE PRESIDENT OF THE FRENCH REPUBLIC:

M. François de Tessan, Deputy, Under-Secretary of State in the Department of the President of the Council;

M. Max Hymans, Deputy, former President of the Commission for Customs and Commercial Conventions;

**SA MAJESTÉ LE ROI DES HELLÈNES:**

- M. Nicolas Politis, Envoyé extraordinaire et Ministre plénipotentiaire de Grèce à Paris, ancien Ministre des Affaires étrangères;
- M. Georges Roussos, Envoyé extraordinaire et Ministre plénipotentiaire, ancien Ministre des Affaires étrangères;
- M. Constantin Vryakos, Envoyé extraordinaire et Ministre plénipotentiaire, ancien Ministre de la Justice;
- M. Constantin Sakellaropoulo, Envoyé extraordinaire et Ministre plénipotentiaire, Directeur des Affaires politiques au Ministère des Affaires étrangères;

**SA MAJESTÉ LE ROI D'ITALIE, EMPEREUR D'ÉTHIOPIE:**

- Le Comte Luigi Aldrovandi Marescotti di Viano, Ambassadeur de Sa Majesté le Roi d'Italie, Empereur d'Éthiopie;
- M. Salvatore Messina, Président de Section de la Cour de Cassation;
- M. Piero Parini, Ministre plénipotentiaire, Directeur général des Italiens à l'étranger;
- M. Pellegrino Ghigi, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi d'Italie, Empereur d'Éthiopie, au Caire;

**SA MAJESTÉ LE ROI DE NORVÈGE:**

- M. Michael Hansson, ancien Président de la Cour d'appel mixte d'Égypte, Membre pour la Norvège de la Cour permanente d'arbitrage à La Haye, Président de l'Office International Nansen pour les réfugiés;

**SA MAJESTÉ LA REINE DES PAYS-BAS:**

- M. W. C. Beucker Andreae, Chef de la Direction des Affaires Juridiques au Ministère des Affaires étrangères;
- M. le Chevalier J. J. B. Bosch de Rosenthal, Chargé d'affaires des Pays-Bas au Caire;
- Le Comte W. F. L. de Bylandt, Conseiller à la Légation des Pays-Bas à Paris;

**LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE:**

- M. le Dr. J. Caeiro Da Matta, ancien Ministre des Affaires étrangères, Professeur et Recteur de l'Université de Lisbonne;

**SA MAJESTÉ LE ROI DE SUÈDE:**

- M. K. K. F. Malmar, Directeur de la Division juridique du Ministère des Affaires étrangères;

LESQUELS, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

**ARTICLE PREMIER.**

Les Hautes Parties contractantes déclarent accepter, chacune en ce qui la concerne, l'abolition complète des Capitulations en Égypte à tous les points de vue.

## HIS MAJESTY THE KING OF THE HELLENES:

- M. Nicolas Politis, Envoy Extraordinary and Minister Plenipotentiary of Greece in Paris, former Minister for Foreign Affairs;
- M. Georges Roussos, Envoy Extraordinary and Minister Plenipotentiary, former Minister for Foreign Affairs;
- M. Constantin Vryakos, Envoy Extraordinary and Minister Plenipotentiary, former Minister of Justice;
- M. Constantin Sakellaropoulo, Envoy Extraordinary and Minister Plenipotentiary, Director of Political Affairs in the Ministry of Foreign Affairs;

## HIS MAJESTY THE KING OF ITALY, EMPEROR OF ETHIOPIA:

- Count Luigi Aldrovandi Marescotti di Viano, Ambassador of His Majesty the King of Italy, Emperor of Ethiopia;
- M. Salvatore Messina, President of Section in the Court of Cassation;
- M. Piero Parini, Minister Plenipotentiary, Director-General of Italians abroad;
- M. Pellegrino Ghigi, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy, Emperor of Ethiopia, at Cairo;

## HIS MAJESTY THE KING OF NORWAY:

- M. Michael Hansson, former President of the Egyptian Mixed Court of Appeal, Norwegian Member of the Permanent Court of Arbitration at The Hague, President of the Nansen International Office for Refugees;

## HER MAJESTY THE QUEEN OF THE NETHERLANDS:

- M. W. C. Beucker Andreae, Head of the Directorate of Legal Affairs in the Ministry of Foreign Affairs;
- M. le Chevalier J. J. B. Bosch de Rosenthal, Chargé d'Affaires of the Netherlands at Cairo;
- Count W. F. L. de Bylandt, Counsellor in the Netherlands Legation in Paris;

## THE PRESIDENT OF THE PORTUGUESE REPUBLIC:

- Dr. J. Caeiro Da Matta, former Minister for Foreign Affairs, Professor and Rector of the University of Lisbon;

## HIS MAJESTY THE KING OF SWEDEN:

- M. K. K. F. Malmar, Director of the Legal Division of the Ministry of Foreign Affairs;
- Who, having deposited their full powers, found in good and due form, have agreed on the following provisions:

## ARTICLE 1.

The High Contracting Parties declare that they agree, each in so far as he is concerned, to the complete abolition in all respects of Capitulations in Egypt.

Agreement to complete abolition of capitulations declared.

## ARTICLE 2.

Sous réserve des principes du droit international, les étrangers seront soumis à la législation égyptienne en matière pénale, civile, commerciale, administrative, fiscale ou autre.

Il est entendu que la législation à laquelle les étrangers seront soumis ne sera pas incompatible avec les principes généralement adoptés dans les législations modernes, et ne comportera pas, spécialement en matière fiscale, de discrimination au détriment des étrangers ou au détriment des sociétés constituées conformément à la loi égyptienne dans lesquelles les étrangers ont des intérêts sérieux.

La disposition qui précède, en tant qu'elle ne constitue pas une règle reconnue de droit international, ne sera applicable que durant la période transitoire.

## ARTICLE 3.

La cour d'appel mixte et les tribunaux mixtes existants sont maintenus jusqu'au 14 octobre 1949.

A partir du 15 octobre 1937, ils seront régis par une loi égyptienne portant Règlement d'organisation judiciaire dont le texte est annexé à la présente Convention.

A la date visée à l'alinéa premier, toutes les affaires pendantes devant les tribunaux mixtes seront transférées en l'état et sans frais aux tribunaux nationaux pour y être poursuivies jusqu'à leur solution définitive.

La période allant du 15 octobre 1937 jusqu'au 14 octobre 1949 sera dénommée "période transitoire".

## ARTICLE 4.

Les magistrats, fonctionnaires et employés des tribunaux mixtes et du parquet mixte en service au 14 octobre 1937 sont maintenus en fonctions.

## ARTICLE 5.

Les règles applicables par les tribunaux nationaux égyptiens en matière d'actions accessoires seront les mêmes que celles qui sont prévues pour les tribunaux mixtes par l'article 37 du Règlement d'organisation judiciaire mixte.

## ARTICLE 6.

Les tribunaux nationaux connaîtront des poursuites contre les auteurs et complices, quelle que soit leur nationalité, des crimes et délits visés à l'article 45 du Règlement d'organisation judiciaire mixte lorsqu'il s'agit des magistrats et officiers de justice de ces tribunaux, de leurs sentences et mandats, ou lorsqu'il s'agit d'une banqueroute simple ou frauduleuse dans les cas de faillite prononcée par ces tribunaux.

## ARTICLE 2.

Subject to the application of the principles of international law, foreigners shall be subject to Egyptian legislation in criminal, civil, commercial, administrative, fiscal and other matters.

Application of Egyptian law to foreigners.

It is understood that the legislation to which foreigners will be subject will not be inconsistent with the principles generally adopted in modern legislation and will not, with particular relation to legislation of a fiscal nature, entail any discrimination against foreigners or against companies incorporated in accordance with Egyptian law wherein foreigners are substantially interested.

Restriction against discrimination.  
Post, p. 1673.

The immediately preceding paragraph, in so far as it does not constitute a recognised rule of international law, shall apply only during the transition period.

Application of provision.

## ARTICLE 3.

The Mixed Court of Appeal and the Mixed Tribunals now existing shall be maintained until October 14th, 1949.

Judicial organizations.

As from October 15th, 1937, they shall be governed by an Egyptian law establishing the *Règlement d'organisation judiciaire* the text of which is annexed to the present Convention.<sup>1</sup>

On the date mentioned in paragraph 1 above, all cases pending before the Mixed Tribunals shall be remitted, at the stage which they have then reached and without involving the parties in the payment of any fees, to the National Tribunals to be continued therein until they are finally disposed of.

The period from October 15th, 1937 to October 14th, 1949 shall be known as "the transition period".

Transition period.

## ARTICLE 4.

The judges, officials and staff of the Mixed Tribunals and of the Mixed Parquet, who are employed there on October 14th, 1937 shall be retained in office.

Retention of personnel of Mixed Tribunals, etc.

## ARTICLE 5.

The rules to be applied by the Egyptian National Courts in regard to third party actions shall be the same as those prescribed for the Mixed Tribunals in Article 37 of the *Règlement d'organisation judiciaire mixte*.

Third party actions, rules.

Post, p. 1682.

## ARTICLE 6.

The National Courts shall also have jurisdiction in respect of the prosecution of persons of any nationality, accused as principals or accomplices of any of the crimes and misdemeanours referred to in Article 45 of the *Règlement d'organisation judiciaire mixte* involving judges and judicial officials of those courts or their judgments or orders or of bankruptcy offences where the bankruptcy proceedings have taken place before the said courts.

Jurisdiction of National Courts over designated crimes and misdemeanours.

Post, p. 1684.

<sup>1</sup> Post, p. 1661; translation, post, p. 1676.



## ARTICLE 7.

Le changement de nationalité de l'une des parties survenu en cours d'instance devant les tribunaux nationaux ne pourra modifier la compétence du tribunal saisi.

## ARTICLE 8.

Sous réserve des dispositions de l'article 9 ci-après, aucune action civile, commerciale, de statut personnel ou pénale, ne sera reçue à partir du 15 octobre 1937 devant les juridictions consulaires en Egypte.

Les causes commencées devant ces juridictions avant la date précitée seront continuées par devant lesdites juridictions jusqu'à leur solution définitive, à moins qu'elles ne soient transférées aux tribunaux mixtes dans les conditions prévues à l'article 53 du Règlement d'organisation judiciaire.

## ARTICLE 9.

Chacune des Hautes Parties contractantes qui a des tribunaux consulaires en Egypte, pourra les conserver à l'effet d'exercer la juridiction en matière de statut personnel, dans tous les cas où la loi applicable est la loi nationale de cette Haute Partie contractante.

Toute Haute Partie contractante qui désirerait user de cette faculté devra en donner avis au Gouvernement royal égyptien en même temps qu'elle déposera ses instruments de ratification à la présente Convention.

Au cours de la période transitoire, chaque Haute Partie contractante pourra déclarer qu'elle renonce à sa juridiction consulaire. Cette déclaration sortira ses effets à partir du 15 octobre qui suivra la date à laquelle elle aura été faite. Aucune affaire nouvelle ne pourra être introduite après la date à laquelle la renonciation aura pris effet, mais les procédures en cours pourront être suivies jusqu'à la solution définitive du litige.

Les juridictions consulaires ne seront pas maintenues après le 14 octobre 1949. A cette date, toutes les affaires pendantes devant ces juridictions seront transférées en l'état aux tribunaux nationaux.

## ARTICLE 10.

En matière de statut personnel, la loi applicable déterminera la juridiction compétente.

Le statut personnel comprendra les matières définies à l'article 28 du Règlement d'organisation judiciaire mixte.

La loi applicable sera déterminée d'après les règles énoncées aux articles 29 et 30 dudit Règlement.

## ARTICLE 7.

A change in the nationality of one of the parties in the course of proceedings before the National Courts shall not affect the competence of the Court before which the proceedings have been brought.

Changes in nationality in course of proceedings.

## ARTICLE 8.

Subject to the provisions of Article 9, no civil or commercial action, no action in matters of personal status and no criminal cause shall be instituted before any Consular Court in Egypt after October 15th, 1937.

Suspension of Consular Courts after October 15, 1937.

Proceedings already brought prior to the above date in any such courts shall be continued before them until finally disposed of, unless they are remitted to the Mixed Tribunals under the conditions specified in Article 53 of the *Règlement d'organisation judiciaire*.

Disposition of pending proceedings.

Post, p. 1686.

## ARTICLE 9.

Any of the High Contracting Parties who possess at present Consular Courts in Egypt, may retain such courts for the purposes of jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the High Contracting Party concerned.

Existing Consular Courts, jurisdiction over matters of personal status under national law.

Any such High Contracting Party who desires to exercise the above right shall notify the Royal Egyptian Government to this effect at the time of the deposit of his instrument of ratification of the present Convention.<sup>1</sup>

At any time during the transition period any High Contracting Party may make a declaration renouncing his consular jurisdiction. Such declaration shall take effect as from October 15th following the date on which it is made.<sup>2</sup> No new proceeding shall be entertained after the date on which a renunciation of jurisdiction takes effect, but any proceeding already instituted may be continued until finally disposed of.

Declaration of renunciation of consular jurisdiction during transition period.

No Consular Court shall be maintained after October 14th, 1949. On that date all proceedings pending before the said Consular Courts shall be remitted to the National Tribunals at the stage they have then reached.

Termination of Consular Courts; transfer of pending proceedings.

## ARTICLE 10.

In matters of personal status, the jurisdiction which is competent shall be determined by the law to be applied.

Matters of personal status.

The expression "personal status" refers to the matters specified in Article 28 of the *Règlement d'organisation judiciaire mixte*.

Post, p. 1681.

The law to be applied shall be ascertained in conformity with the rules set out in Articles 29 and 30 of the said *Règlement*.

Post, p. 1681.

<sup>1</sup> See procès-verbal of deposit of ratification of the United States, *post*, p. 1727, and notification given by the American Minister to Egypt, *post*, p. 1728.

<sup>2</sup> See the President's proclamation, October 9, 1937, *post*, p. 1729.

## ARTICLE 11.

Les consuls étrangers seront soumis à la juridiction des tribunaux mixtes, sous les réserves admises par le droit des gens. Ils ne pourront notamment pas être poursuivis à raison d'actes accomplis dans l'exercice de leurs fonctions.

Sous condition de réciprocité, ils exerceront les attributions communément reconnues aux consuls en matière d'actes d'état civil, de contrats de mariages et autres actes notariés, de succession, de représentation en justice de leurs nationaux absents et de navigation maritime, et jouiront de l'immunité personnelle.

Jusqu'à la conclusion de conventions consulaires et, éventuellement, durant un délai de trois années à partir de la date de la signature de la présente Convention, les consuls continueront à jouir des immunités qui leur sont actuellement reconnues en ce qui concerne les locaux du consulat et en matière d'impôts, droits de douane et autres contributions publiques.

## ARTICLE 12.

Les Hautes Parties contractantes s'engagent à conserver en Egypte durant la période transitoire tous les documents judiciaires de leurs tribunaux consulaires.

Les juridictions du pays pourront prendre connaissance de ces documents toutes les fois qu'elles le jugeront nécessaire pour une affaire de leur compétence; des copies certifiées conformes desdits documents leur seront fournies sur demande.

## ARTICLE 13.

Tout différend entre les Hautes Parties contractantes au sujet de l'interprétation ou de l'application des dispositions de la présente Convention qu'elles ne seraient pas parvenues à résoudre par les moyens diplomatiques sera soumis, à la demande de l'une des Parties au différend, à la Cour permanente de justice internationale.

Toutefois, s'il existe actuellement entre l'une des Hautes Parties contractantes et Sa Majesté le Roi d'Egypte un traité d'arbitrage prévoyant un autre tribunal, celui-ci sera, pendant la durée de la Convention, substitué à la Cour permanente de Justice internationale aux fins du présent article, même si ledit traité d'arbitrage cesse d'exister à d'autres fins.

## ARTICLE 14.

La présente Convention, à l'exception de l'annexe visée à l'article 3, est établie en un seul exemplaire en langues française et anglaise. Les deux textes feront également foi pour son interprétation.

Pour l'annexe susvisée, le texte français fera seul foi.

## ARTICLE 11.

Without prejudice to the exceptions recognised by international law, foreign consuls shall be subject to the jurisdiction of the Mixed Tribunals. In particular, they may not be prosecuted in respect of acts performed by them in the performance of their official duties.

Foreign consuls subject to jurisdiction of Mixed Tribunals.

Subject to reciprocity, they shall exercise the powers customarily granted to consuls as regards registration in matters of personal status, as regards contracts of marriage and other notarial acts, inheritance, the representation before the Courts of the interests of their absent nationals and maritime navigation, and shall enjoy personal immunity.

Powers.

Until Consular Conventions are concluded, and in any case during a period of three years as from the date of the signature of the present Convention, consuls shall continue to enjoy the immunities which they possess at present in respect of consular premises and in the matter of taxes, customs duties and other public dues.

Immunities.

## ARTICLE 12.

The High Contracting Parties undertake to maintain in Egypt, during the transition period, all the judicial records of their Consular Courts.

Judicial records of Consular Courts.

These records shall be open for inspection by the Courts in Egypt whenever such inspection is required in connection with a case coming within their jurisdiction; certified copies of such records shall be furnished upon the request of any such court.

## ARTICLE 13.

Any dispute between the High Contracting Parties relating to the interpretation or application of the provisions of the present Convention, which they are unable to settle by diplomatic means, shall, on the application of one of the Parties to the dispute, be submitted to the Permanent Court of International Justice.

Submission of disputes to Permanent Court of International Justice.

If, however, there is at present in force between any of the High Contracting Parties and His Majesty the King of Egypt a treaty of arbitration providing for another tribunal, this tribunal shall, for the duration of this Convention, be substituted for the Permanent Court of International Justice for the purposes of this Article, even though such treaty of arbitration may have ceased to exist for other purposes.

Substitution.

## ARTICLE 14.

The present Convention, with the exception of the annex referred to in Article 3, has been drawn up in a single copy in the English and French languages. Both texts shall be equally authentic for the purposes of its interpretation.

Convention drawn in single copy; exception.

In the case of the annex aforesaid the French text alone shall be authentic.<sup>1</sup>

Authentic texts.

<sup>1</sup> *Post*, p. 1661; translation, *post*, p. 1676.

## ARTICLE 15.

La présente Convention sera ratifiée et les instruments de ratification seront déposés le plus tôt possible au Caire. Le Gouvernement royal égyptien se chargera de faire enregistrer la Convention au Secrétariat de la Société des Nations.

Le Gouvernement royal égyptien informera les Gouvernements des Hautes Parties contractantes et le Secrétaire général de la Société des Nations du dépôt de chaque ratification.

La présente Convention entrera en vigueur le 15 octobre 1937 si trois instruments de ratification ont été déposés. Elle n'entrera néanmoins en vigueur à l'égard des autres signataires qu'à la date du dépôt de leurs instruments de ratification respectifs.

## ARTICLE 15.

The present Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible at Cairo. The Royal Egyptian Government shall undertake the registration of the Convention with the Secretariat of the League of Nations.

Ratification; deposit of instruments of ratification.

The Royal Egyptian Government shall inform the Governments of the High Contracting Parties and the Secretary-General of the League of Nations of the deposit of each ratification.

Notice to other Powers.

The present Convention shall come into force on October 15th, 1937 if three instruments of ratification have been deposited. It shall not however come into force in respect of the other signatories before the date of the deposit of their respective instruments of ratification.

Date of coming into force.

Signatures.

EN FOI DE QUOI les Plénipotentiaires susmentionnés ont signé la présente Convention.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

FAIT à Montreux, le huit mai mil neuf cent trente-sept, en un seul exemplaire, revêtu des sceaux des Plénipotentiaires, qui sera déposé dans les archives du Gouvernement royal égyptien et dont les copies certifiées conformes seront remises aux Gouvernements des Puissances signataires.

DONE at Montreux, on the eighth day of May, one thousand nine hundred and thirty-seven, in a single copy, bearing the seals of the Plenipotentiaries, which shall be deposited in the archives of the Royal Egyptian Government and of which certified true copies shall be delivered to the Governments of the signatory Powers.

[SEAL]	BERT FISH
[SEAL]	P. FORTHOMME
[SEAL]	DAVID EUAN WALLACE
[SEAL]	DAVID VICTOR KELLY
[SEAL]	WILLIAM ERIC BECKETT
[SEAL]	DAVID EUAN WALLACE
[SEAL]	DAVID EUAN WALLACE
[SEAL]	S. F. N. GIE
[SEAL]	H. T. ANDREWS
[SEAL]	F. T. CREMINS
[SEAL]	DAVID EVAN WALLACE
[SEAL]	N. P. ARNSTEDT
[SEAL]	N. V. BOEG
[SEAL]	MOUSTAPHA EL-NAHAS
[SEAL]	A. MAHER
[SEAL]	WACYF BOUTROS GHALI
[SEAL]	MAKRAM EBEID
[SEAL]	A. BADAOU
[SEAL]	A. FABRA RIBAS
[SEAL]	MARIANO GOMEZ
[SEAL]	F. DE TESSAN
[SEAL]	HYMANS
[SEAL]	N. POLITIS
[SEAL]	G. ROUSSOS
[SEAL]	C. VRYAKOS
[SEAL]	C. M. SAKELLAROPOULO
[SEAL]	L. ALDROVANDI
[SEAL]	SALVATORE MESSINA
[SEAL]	PIERO PARINI
[SEAL]	GHIGI
[SEAL]	MICHAËL HANSSON
[SEAL]	W. C. BEUCKER ANDREAE
[SEAL]	J. BOSCH DE ROSENTHAL
[SEAL]	W. DE BYLANDT
[SEAL]	J. CAEIRO DA MATTA
[SEAL]	MALMAR

ANNEXE<sup>1</sup>

## Règlement d'Organisation Judiciaire.

## I. ORGANISATION ET COMPOSITION

## ARTICLE PREMIER.

Sont maintenus la cour d'appel mixte d'Alexandrie et les trois tribunaux mixtes de première instance du Caire, d'Alexandrie et de Mansourah, avec leurs circonscriptions territoriales actuelles.

Ces circonscriptions peuvent être modifiées par décret après avis de la cour.

## ARTICLE 2.

La cour d'appel sera composée de 18 conseillers dont 11 étrangers. Le cas échéant, deux conseillers, dont un étranger, pourront être nommés en sus de ce nombre. Il sera pourvu aux vacances qui se produiront parmi les conseillers étrangers de la cour d'appel par voie de promotion de juges étrangers des tribunaux de première instance.

## ARTICLE 3.

Les tribunaux du Caire, d'Alexandrie et de Mansourah seront composés, à la date du 15 octobre 1937, de 61 juges, dont 40 étrangers.

Au fur et à mesure des vacances qui se produiront par voie de mise à la retraite, décès, démission ou promotion parmi les juges étrangers, ces magistrats seront remplacés par des magistrats égyptiens.

Toutefois, le nombre des juges étrangers des tribunaux de première instance ne pourra être inférieur au tiers du nombre des magistrats composant ces tribunaux.

## ARTICLE 4.

Il ne sera fait aucune distinction basée sur la nationalité des magistrats tant pour la composition des chambres que pour la désignation aux différents postes de l'organisation judiciaire, y compris la présidence des tribunaux et des chambres.

Le président de la cour d'appel sera de nationalité étrangère et le vice-président, de nationalité égyptienne.

Dans le cas où le président d'un tribunal serait de nationalité égyptienne, le vice-président sera de nationalité étrangère et réciproquement.

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<sup>1</sup> For translation, see *post*, p. 1676.



## ARTICLE 5.

Les arrêts de la cour d'appel sont rendus par cinq conseillers. Toutefois la loi peut fixer à trois conseillers la composition des chambres statuant sur des affaires qui en premier ressort sont de la compétence d'un juge unique.

La cour d'assises est composée de cinq magistrats dont trois conseillers à la cour d'appel.

Les jugements des tribunaux de première instance, tant en matière civile qu'en matière pénale, sont rendus par trois juges.

En matière commerciale, les trois juges peuvent, en vertu d'une loi, être assistés de deux assesseurs avec voix consultative.

En matière de référés, de justice sommaire et de simple police, les jugements sont rendus par un juge unique.

## ARTICLE 6.

Les magistrats sont nommés par décret.

Ils sont inamovibles.

La limite d'âge pour la mise à la retraite d'office est fixée à 65 ans pour les juges de première instance et à 70 ans pour les conseillers à la cour d'appel.

Le passage d'un juge d'un tribunal à un autre ainsi que son avancement ne peuvent avoir lieu que sur avis conforme de l'assemblée générale de la cour.

## ARTICLE 7.

Les présidents et vice-présidents de la cour d'appel et des tribunaux sont nommés pour un an, par décret, sur désignation de l'assemblée générale de la cour à la majorité absolue des voix. Pour les tribunaux de première instance, la désignation a lieu sur une liste alphabétique dressée par l'assemblée générale de chaque tribunal et comprenant trois candidats à Alexandrie et au Caire et deux candidats à Mansourah.

Les présidents de chambre de la cour d'appel sont désignés chaque année par l'assemblée générale de la cour.

Les présidents de chambre de chaque tribunal sont désignés chaque année par l'assemblée générale de la cour sur présentation de l'assemblée générale du tribunal.

## ARTICLE 8.

Les traitements des magistrats sont fixés par la loi.

## ARTICLE 9.

Les fonctions de magistrat sont incompatibles avec l'exercice du commerce ou avec toute fonction salariée.

## ARTICLE 10.

La discipline des magistrats est réservée à la cour d'appel. Le règlement général judiciaire détermine les mesures disciplinaires et la procédure à suivre en cette matière.

## ARTICLE 11.

Les audiences sont publiques, sauf le cas où le tribunal ordonne, par décision motivée, le huis-clos dans l'intérêt des bonnes moeurs ou de l'ordre public.

La défense est libre.

## ARTICLE 12.

Les langues judiciaires employées devant les tribunaux mixtes pour les plaidoiries et la rédaction des actes et sentences sont: l'arabe, l'anglais, le français et l'italien.

Le dispositif des sentences sera prononcé dans deux langues judiciaires dont l'une sera obligatoirement l'arabe. Après le prononcé, les sentences rédigées en langue étrangère seront intégralement traduites en langue arabe et celles rédigées en langue arabe seront intégralement traduites en langue étrangère.

En cas de divergence entre le texte original et la traduction, le premier fera foi.

## ARTICLE 13.

Sous réserve des exceptions prévues par les codes, les lois ou les règlements, les parties ne peuvent être représentées en justice que par des personnes admises à exercer comme avocats devant les tribunaux mixtes. Le règlement général judiciaire détermine l'organisation du barreau et les conditions de la discipline des avocats.

## ARTICLE 14.

Le personnel auxiliaire de la cour d'appel et des tribunaux comprend: les greffiers, les commis-greffiers, les interprètes, les huissiers et autres agents.

Le règlement général judiciaire détermine les conditions de discipline du personnel susvisé.

## ARTICLE 15.

L'exécution des sentences est effectuée sur l'ordre du tribunal par ses huissiers, avec l'assistance des autorités administratives lorsqu'elle est requise.

## II. PARQUET

## ARTICLE 16.

Le parquet près les tribunaux mixtes exerce les attributions prévues ci-après ainsi que celles qui lui sont conférées par la loi.

Il est dirigé par un procureur général de nationalité étrangère.

## ARTICLE 17.

Le procureur général est assisté d'un premier avocat général de nationalité égyptienne et d'un deuxième avocat général de nationalité étrangère.

En cas d'absence ou d'empêchement, le procureur général est remplacé par le premier avocat général en matière civile et au point de vue administratif, et par le deuxième avocat général en matière pénale.

Le procureur général a en outre sous sa direction des substituts en nombre suffisant.

ARTICLE 18.

Les magistrats du parquet sont nommés par décret. Ils sont amovibles et relèvent exclusivement de leurs chefs hiérarchiques et, en dernier lieu, du ministre de la justice.

ARTICLE 19.

Le ministère public, en la personne du procureur général, d'un des avocats généraux ou d'un substitut, peut siéger à toutes les chambres et à toutes les assemblées générales de la cour et des tribunaux.

ARTICLE 20.

En matière pénale, le parquet exerce l'action publique. Il dirige la police judiciaire dans toute affaire rentrant dans la juridiction des tribunaux mixtes.

Les fonctionnaires auxquels la loi reconnaît la qualité d'officiers de police judiciaire sont, comme tels, placés sous les ordres du parquet.

ARTICLE 21.

Le procureur général donne son avis lorsqu'il y a lieu d'appliquer, à l'égard d'un étranger, les dispositions du code pénal et du code d'instruction criminelle concernant la remise totale ou partielle ou la commutation d'une peine ainsi que l'exécution de la peine capitale.

ARTICLE 22.

Le procureur général a la surveillance des prisons et des établissements pénitentiaires dans lesquels des étrangers sont détenus. Il a également à tout moment libre accès à tout autre lieu où un étranger serait détenu.

Il signale au ministre de la justice les irrégularités qu'il constate et lui fait toutes autres communications que comporte la surveillance dont il est chargé.

ARTICLE 23.

Le ministère public intervient dans toute affaire ayant trait au statut personnel ou à la nationalité. Il peut aussi intervenir dans les affaires intéressant des mineurs ou des incapables ainsi que dans tous autres cas prévus par le code de procédure civile.

Il lui appartient en outre d'ordonner et de faire exécuter les mesures qu'il juge opportunes pour la sauvegarde des intérêts des mineurs ou des incapables.

ARTICLE 24.

Le parquet a la surveillance du service des fonds judiciaires et de la caisse spéciale des dépôts et consignations.

Il contrôle en outre les services des greffes et des huissiers dont la direction est réservée aux présidents de la cour et des tribunaux.

## III. COMPÉTENCE

## ARTICLE 25.

Aux fins de la compétence des tribunaux mixtes, le mot "étrangers" comprend les ressortissants des Hautes Parties contractantes à la Convention de Montreux concernant l'abolition des Capitulations en Egypte, ainsi que les ressortissants de tout autre Etat qui pourrait être visé par décret.

Aucun ressortissant égyptien ne pourra se prévaloir de la protection d'une Puissance étrangère.

Les ressortissants de la Syrie et du Liban ainsi que ceux de la Palestine et de la Transjordanie seront justiciables de la juridiction nationale tant en matière civile qu'en matière pénale.

Les ressortissants étrangers (citoyens, sujets et protégés) appartenant à des religions, confessions ou rites pour lesquels il existe des tribunaux égyptiens de statut personnel, continueront, dans les mêmes conditions que dans le passé, à être jugés, en cette matière, par lesdits tribunaux.

Les ressortissants susvisés auront en outre la faculté d'opter en matière civile et commerciale entre la juridiction mixte et la juridiction nationale. Lorsqu'un desdits ressortissants sera cité, dans l'une de ces matières, devant un tribunal national, dans une affaire à propos de laquelle il n'aura pas préalablement accepté la compétence de la juridiction nationale, il devra, s'il désire décliner la compétence du tribunal saisi, le faire par lettre recommandée ou exploit d'huissier, ou au plus tard à la première audience, faute de quoi le tribunal sera compétent.

*A. Compétence en Matière Civile et Commerciale.*

## ARTICLE 26.

Les tribunaux mixtes connaissent de toutes contestations en matière civile et commerciale entre étrangers et entre étrangers et justiciables des tribunaux nationaux.

Toutefois, les tribunaux nationaux sont compétents en ces matières à l'égard de tout étranger qui accepte de se soumettre à leur juridiction.

Cette soumission peut résulter d'une clause attributive de compétence ou du fait: 1° que l'étranger a lui-même introduit la procédure devant les tribunaux nationaux; 2° qu'il n'a pas décliné la compétence de ces tribunaux avant le prononcé d'un jugement dans une procédure où il a comparu comme défendeur ou intervenant.

Le fait de se soumettre à la juridiction d'un tribunal de premier degré entraîne la soumission à la juridiction des tribunaux supérieurs du même ordre.

## ARTICLE 27.

Les tribunaux mixtes connaissent également des contestations et des questions relatives au statut personnel dans les cas où la loi applicable aux termes de l'article 29 est une loi étrangère.

## ARTICLE 28.

Le statut personnel comprend: les contestations et les questions relatives à l'état et à la capacité des personnes; au droit de famille, notamment aux fiançailles, au mariage, aux droits et devoirs réciproques des époux, à la dot et au régime des biens entre époux, au divorce, à la répudiation, à la séparation, à la filiation, à la reconnaissance et au désaveu de paternité, aux relations entre ascendants et descendants, à l'obligation alimentaire entre les parents et entre les alliés, à la légitimation, à l'adoption, à la tutelle, à la curatelle, à l'interdiction, à l'émancipation; aux donations, aux successions, aux testaments et autres dispositions à cause de mort; à l'absence et à la présomption de décès.

## ARTICLE 29.

L'état et la capacité des personnes sont régis par leurs lois nationales.

Les conditions de fond relatives à la validité du mariage sont régies par la loi nationale de chacun des époux.

Dans les matières relatives aux rapports entre époux, y compris la séparation, le divorce et la répudiation, et à leurs effets quant aux biens, la loi applicable sera la loi nationale du mari au moment de la célébration du mariage.

Les droits et devoirs réciproques entre parents et enfants sont régis par la loi nationale du père.

L'obligation alimentaire est régie par la loi nationale du débiteur.

Les matières relatives à la filiation, à la légitimation, à la reconnaissance et au désaveu de paternité sont régies par la loi nationale du père.

Les questions relatives à la validité de l'adoption sont régies par la loi nationale de l'adoptant aussi bien que par celle de l'adopté. Les effets de l'adoption sont régis par la loi nationale de l'adoptant.

La tutelle, la curatelle et l'émancipation sont régies par la loi nationale de l'incapable.

Les successions et les testaments sont régis par la loi nationale du de cujus ou du testateur.

Les donations sont régies par la loi nationale du donateur au moment de la donation.

Les règles du présent article ne portent pas atteinte aux dispositions relatives au régime de la propriété immobilière en Egypte.

## ARTICLE 30.

A défaut de nationalité connue, ou si une personne a simultanément, au regard de plusieurs Etats étrangers, la nationalité de chacun d'eux, le juge déterminera la loi applicable.

Si une personne possède simultanément, au regard de l'Egypte, la nationalité égyptienne et, au regard d'un ou plusieurs Etats étrangers, la nationalité de ces Etats, la loi applicable sera la loi égyptienne.

## ARTICLE 31.

Par le terme "loi nationale", on doit entendre les dispositions internes de cette loi à l'exclusion de ses dispositions de droit international privé.

## ARTICLE 32.

Les règles de procédure prévues par une loi étrangère ne sont pas applicables en tant qu'elles sont incompatibles avec les règles de procédure égyptiennes.

## ARTICLE 33.

Sous réserve des dispositions des articles 34, 35, 36 et 37, la compétence des tribunaux mixtes est déterminée uniquement par la nationalité des parties réellement en cause, sans égard aux intérêts mixtes qui pourraient être indirectement engagés.

## ARTICLE 34.

Dans leurs contestations avec des justiciables des tribunaux nationaux, les sociétés de nationalité égyptienne déjà constituées, dans lesquelles entrent des intérêts étrangers sérieux, sont justiciables des tribunaux mixtes, à moins que leurs statuts ne contiennent une clause attributive de compétence aux tribunaux nationaux ou qu'elles n'aient accepté la juridiction de ces tribunaux conformément à l'article 26.

## ARTICLE 35.

Les tribunaux mixtes sont de même compétents en matière de faillite d'un justiciable des tribunaux nationaux, si l'un des créanciers parties à la procédure est étranger.

## ARTICLE 36.

Le seul fait de la constitution d'une hypothèque en faveur d'un étranger sur les biens immeubles, quels que soient le possesseur et le propriétaire, rend les tribunaux mixtes compétents pour statuer sur la validité de l'hypothèque et sur toutes ses conséquences, jusques et y compris la vente forcée de l'immeuble ainsi que la distribution du prix.

## ARTICLE 37.

Les tribunaux mixtes ne peuvent pas connaître d'une action qui n'est pas en soi de leur compétence, même si elle se présente comme accessoire à une action déjà introduite devant eux. Toutefois, ils connaîtront de ladite action accessoire lorsque la juridiction qui en aura été saisie estimera, dans l'intérêt de la justice, devoir renvoyer les parties se pourvoir devant eux.

Les tribunaux mixtes peuvent, s'ils estiment devoir le faire dans l'intérêt de la justice, renvoyer les parties se pourvoir devant les tribunaux nationaux lorsque l'action introduite devant eux se présente comme une action accessoire à une action principale déjà introduite devant lesdits tribunaux nationaux.

## ARTICLE 38.

Ne sont pas soumises aux tribunaux mixtes les demandes des étrangers contre un wakf en revendication de la propriété d'immeubles de ce wakf; mais ces tribunaux sont compétents pour statuer sur la demande intentée sur la question de possession légale, quel que soit le demandeur ou le défendeur.

Ne sont pas non plus de la compétence des tribunaux mixtes les contestations ayant directement ou indirectement pour objet la constitution d'un wakf, la validité, l'interprétation ou l'application de ses clauses, ou la nomination ou révocation du nazir.

Les tribunaux mixtes peuvent toutefois déclarer inopposable aux créanciers du constituant la constitution en wakf d'un bien, faite en fraude de leurs droits.

## ARTICLE 39.

Lorsque, dans une instance, une exception relative au statut personnel d'une partie justiciable en cette matière d'une autre juridiction est soulevée, les tribunaux mixtes, s'ils reconnaissent la nécessité de faire statuer au préalable sur l'exception, doivent surseoir au jugement du fond et fixer un délai à la partie contre laquelle la question préjudicielle a été soulevée pour la faire juger définitivement par le juge compétent. Si cette nécessité n'est pas reconnue, il sera passé outre au jugement du fond.

## ARTICLE 40.

La cession d'un droit à un étranger, la mise en cause d'un étranger ou la constitution d'un prête-nom étranger ne peut donner compétence aux tribunaux mixtes pour statuer sur des contestations de la compétence des tribunaux nationaux, lorsque la cession, la mise en cause ou la constitution du prête-nom a pour but de distraire des tribunaux nationaux la connaissance de ces litiges.

Est présumée avoir été faite dans ce but toute cession consentie en cours d'instance. Le tribunal peut toutefois, dans de cas exceptionnels, admettre la preuve du contraire.

Sous réserve de la disposition de l'alinéa précédent, l'exception de prête-nom ne saurait être opposée lorsqu'il s'agit de cessions par voie d'endossement d'effets de commerce.

L'endossement irrégulier ou en recouvrement d'un effet de commerce à un étranger ne donne pas compétence aux tribunaux mixtes pour des contestations de la compétence des tribunaux nationaux.

## ARTICLE 41.

Lorsque le plaideur, dont le caractère étranger donnait compétence aux tribunaux mixtes, ne se trouve plus, avant la clôture des débats, être partie à l'instance, ces tribunaux, sur l'exception soulevée par l'une des parties, cesseront d'avoir compétence dans l'affaire qui sera transférée en l'état aux tribunaux nationaux.

## ARTICLE 42.

Le changement de nationalité de l'une des parties, survenu en cours d'instance, ne pourra modifier la compétence du tribunal régulièrement saisi.

## ARTICLE 43.

Les tribunaux mixtes ne peuvent connaître directement ou indirectement des actes de souveraineté. Ils ne peuvent pas statuer sur la validité de l'application aux étrangers des lois ou règlements égyptiens.

Ils ne peuvent pas, non plus, statuer sur la propriété du domaine public.

Mais, sans pouvoir interpréter un acte d'administration ou en arrêter l'exécution, ils sont compétents pour connaître: 1° en matière civile ou commerciale, de toutes contestations mobilières ou immobilières entre les étrangers et l'Etat; 2° de toute action en responsabilité civile intentée par un étranger contre l'Etat à raison de mesures administratives prises en violation des lois ou règlements.

*B. Compétence Pénale.*

## ARTICLE 44.

Les tribunaux mixtes connaissent de toute poursuite contre un étranger pour un fait punissable par la loi.

## ARTICLE 45.

Les tribunaux mixtes connaissent en outre des poursuites contre les auteurs ou complices, quelle que soit leur nationalité, des crimes et délits suivants:

1° crimes et délits commis directement contre les magistrats et officiers de justice des tribunaux mixtes dans l'exercice ou à l'occasion de l'exercice de leurs fonctions;

2° crimes et délits commis directement contre l'exécution des sentences et des mandats de justice des tribunaux mixtes;

3° crimes et délits imputés aux juges et officiers de justice, quand ils sont accusés de les avoir commis dans l'exercice de leurs fonctions ou par suite d'un abus de ces fonctions;

4° crimes et délits de banqueroute simple ou frauduleuse dans les cas de faillites mixtes.

Sont compris sous la désignation d'officiers de justice, dans les paragraphes 1 et 3 ci-dessus, les greffiers, les commis greffiers assermentés, les interprètes attachés au tribunal et les huissiers titulaires, mais non les personnes chargées accidentellement, par délégation du tribunal, d'une signification ou d'un acte d'huissier.

## ARTICLE 46.

En matière pénale, les tribunaux de simple police jugent les faits qualifiés contraventions par la loi et les délits comportant une peine ne dépassant pas trois mois d'emprisonnement.

Les tribunaux correctionnels jugent les faits qualifiés délits par la loi, autres que ceux visés à l'alinéa précédent, et les appels contre les jugements rendus par les tribunaux de simple police.

Les cours d'assises jugent les faits qualifiés crimes par la loi.



## ARTICLE 47.

Les arrestations d'étrangers et les perquisitions au domicile d'étrangers, sauf dans les cas de flagrant délit ou de demande de secours venant de l'intérieur du domicile, seront effectuées par les soins ou en présence d'un membre du parquet mixte ou d'un officier de la police judiciaire auquel ces fonctions auront été déléguées par le parquet mixte.

## ARTICLE 48.

En matière criminelle, si le parquet estime qu'il y a lieu de poursuivre, il doit saisir de l'affaire le juge d'instruction.

En matière correctionnelle, le parquet saisit également le juge d'instruction, à moins qu'il n'estime que les éléments recueillis dans une information sommaire sont suffisants pour poursuivre l'instruction de l'affaire à l'audience. Dans ce cas, si l'inculpé a été entendu ou si son absence ou l'impossibilité de trouver son domicile a été dûment constatée, le parquet peut le citer directement devant le tribunal.

Le tribunal peut toutefois, soit à la demande de l'inculpé ou du parquet, soit d'office, prononcer l'annulation de la citation et ordonner le renvoi de l'affaire devant le juge d'instruction.

## ARTICLE 49.

La détention de tout étranger est immédiatement signalée au parquet qui doit, dans les conditions fixées par le code d'instruction criminelle et au plus tard dans les quatre jours, ordonner la mise en liberté du détenu ou le déferer au juge d'instruction.

Tout étranger en état de détention préventive a le droit d'aviser de sa détention son consul et son avocat par l'intermédiaire du parquet.

Le consul et l'avocat du détenu peuvent lui rendre visite dans la prison suivant les modalités approuvées par le parquet.

## ARTICLE 50.

Sauf en cas d'urgence, si l'inculpé n'a pas de défenseur, il lui en sera désigné un, s'il le demande, au moment de l'interrogatoire, à peine de nullité.

Il sera en outre désigné un défenseur d'office dans un délai raisonnable avant l'audience à tout accusé déferé à la cour d'assises.

## IV. DISPOSITIONS GÉNÉRALES ET TRANSITOIRES

## ARTICLE 51.

Les tribunaux mixtes rendent la justice en Notre Nom.

## ARTICLE 52.

En cas de silence, d'insuffisance ou d'obscurité de la loi, le juge se conformera aux principes du droit naturel et aux règles de l'équité.

## ARTICLE 53.

Les causes commencées avant le 15 octobre 1937 devant une juridiction consulaire seront continuées devant cette juridiction jusqu'à leur solution définitive.

Il en sera de même des causes commencées avant cette date devant les tribunaux mixtes et qui, en vertu de la présente loi, seraient de la compétence des tribunaux nationaux.

En matière civile, les causes visées aux deux alinéas ci-dessus pourront, à la demande des parties et avec le consentement de tous les intéressés, être déférées aux tribunaux compétents suivant les dispositions des articles précédents pour y être poursuivies et jugées en l'état de la procédure où elles se trouvent.

En matière pénale, les juridictions consulaires pourront également déférer aux tribunaux mixtes les affaires commencées avant le 15 octobre 1937.

## ARTICLE 54.

Les jugements et ordonnances des tribunaux consulaires garderont l'autorité de la chose jugée et seront exécutés, le cas échéant, par l'entremise des tribunaux mixtes.

## ARTICLE 55.

Les prescriptions et forclusions qui étaient applicables dans les matières de la compétence des tribunaux consulaires garderont leur effet devant les tribunaux mixtes.

## ARTICLE 56.

Nonobstant les dispositions de l'article 27, les tribunaux mixtes ne seront pas compétents en matière de statut personnel lorsque la loi applicable conformément aux dispositions de l'article 29 est celle d'une Puissance partie à la Convention concernant l'abolition des Capitulations en Egypte qui, conformément à l'article 9 de ladite Convention, a réservé à ses tribunaux consulaires la juridiction en matière de statut personnel et n'a pas retiré cette réserve.

## ARTICLE 57.

Les dispositions du règlement général judiciaire actuel, en tant qu'elles n'ont pas été abrogées ou modifiées par les dispositions précédentes, continueront à être en vigueur.

Toute modification audit règlement proposée par l'assemblée générale de la cour ne sera rendue exécutoire que si elle est promulguée par un décret sur la proposition du ministre de la justice.

## ARTICLE 58.

Sont abrogés le Règlement d'organisation judiciaire actuel pour les procès mixtes en Egypte, ainsi que toutes dispositions contraires à la présente loi.

## PROTOCOLE

Au moment de signer la Convention concernant l'abolition des Capitulations en Egypte, portant la date de ce jour,

LES PLÉNIPOTENTIAIRES SOUSSIGNÉS,

Désireux de préciser certaines des dispositions de la Convention et de son annexe,

SONT CONVENUS DE CE QUI SUIT:

## I.

Il est entendu que les dispositions du deuxième alinéa de l'article 2 de la Convention relatives à la règle de non discrimination et applicables pendant la période transitoire, doivent être interprétées à la lumière de la pratique internationale concernant les engagements de cette nature entre pays jouissant de la souveraineté législative.

## II.

Au sujet de l'article 6, alinéa premier, du Règlement d'organisation judiciaire, il est entendu que le choix des magistrats étrangers appartient au Gouvernement royal égyptien, mais que, pour être rassuré lui-même sur les garanties que présenteront les personnes dont il fera choix, il s'adressera officieusement aux ministres de la justice à l'étranger et n'engagera que les personnes munies de l'acquiescement de leur gouvernement.

## PROTOCOL

On signing the Convention regarding the abolition of the Capitulations in Egypt bearing this day's date,

THE UNDERSIGNED PLENIPOTENTIARIES,

Being desirous of determining exactly some of the provisions of the Convention and of its Annex,

HAVE AGREED AS FOLLOWS:

## I.

It is understood that the provisions of Article 2, paragraph 2, of the Convention relating to the non-discrimination rule and applicable during the transition period must be interpreted in the light of international practice relating to undertakings of that nature between countries enjoying legislative sovereignty.

*Ande*, p. 1653.

## II.

With reference to Article 6, paragraph 1, of the *Règlement d'organisation judiciaire*, it is understood that the selection of foreign judges is a matter for the Royal Egyptian Government, but that, in order to satisfy itself regarding the suitability of the persons whom it may select, the Royal Egyptian Government will approach unofficially the Ministers of Justice of the foreign countries concerned and will appoint only persons of whom their respective Governments approve.

*Post*, p. 1677.



AND WHEREAS the said convention came into force on October 15, 1937 in accordance with the third paragraph of Article 15 thereof, the Governments of Egypt, Belgium, Italy, Greece, Sweden, Great Britain and Northern Ireland, and Denmark having prior to that date deposited their instruments of ratification at Cairo;

Effective date of convention.

AND WHEREAS the said convention and protocol have been duly ratified on the part of the United States of America, and the instrument of ratification of the United States of America was deposited at Cairo on the twenty-ninth day of August, one thousand nine hundred and thirty-eight, on which day the convention and protocol came into force in respect of the United States of America, in accordance with the third paragraph of Article 15 of the said convention;<sup>1</sup>

Deposit of ratification.

Entry into force in respect of United States.

AND WHEREAS at the time of the deposit of the said ratification at Cairo the Government of the United States of America, as provided in Article 9 of the said convention, formally notified the Royal Egyptian Government that it is the intention of the Government of the United States of America to retain American consular courts in Egypt for the purposes of jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the United States of America;

Retention of American consular courts for purposes designated.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention and protocol to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof subject to the notification aforesaid.

Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of September in the year of our Lord one thousand nine hundred and [SEAL] thirty-eight and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

<sup>1</sup> In addition to the ratification of the United States of America, instruments of ratification of the convention had been deposited at Cairo as follows: By Egypt, September 4, 1937; by Belgium, September 11, 1937; by Italy, September 25, 1937; by Greece, September 25, 1937; by Sweden, September 28, 1937; by Great Britain and Northern Ireland, October 12, 1937; by Denmark, October 13, 1937; by the Netherlands, January 22, 1938; by New Zealand, March 23, 1938; by Norway, April 13, 1938; by Australia, April 27, 1938; by India, May 19, 1938; by the Union of South Africa, May 19, 1938; and by Spain, June 2, 1938.

[Translation]

## ANNEX <sup>1</sup>

### Regulations of the Judicial Organisation

#### I. ORGANISATION AND COMPOSITION

##### ARTICLE 1

The Mixed Court of Appeal at Alexandria and the three Mixed Tribunals of first instance at Cairo, Alexandria, and Mansurah shall be maintained with their existing territorial areas of jurisdiction.

These areas of jurisdiction may be altered by decree after consultation with the Court.

##### ARTICLE 2

The Court of Appeal shall be composed of 18 judges, 11 of whom shall be foreigners. Should occasion arise, two judges, of whom one must be a foreigner, may be appointed in addition to that number. Vacancies occurring among the foreign judges of the Court of Appeal shall be filled by the promotion of foreign judges of the Tribunals of first instance.

##### ARTICLE 3

The Tribunals at Cairo, Alexandria and Mansurah shall, on October 15th, 1937, be composed of 61 judges, of whom 40 shall be foreigners.

As vacancies occur among the foreign judges of first instance as a result of retirement, death, resignation or promotion, such judges shall be replaced by Egyptian judges.

Nevertheless, the number of foreign judges in the Tribunals of first instance shall not be less than one-third of the total number of judges of the said Tribunals.

##### ARTICLE 4

No distinction based on the nationality of judges shall be made either in the matter of the composition of the Chambers or in that of appointments to the various posts in the judicial organisation, including the presidency of Tribunals and Chambers.

The President of the Court of Appeal shall be of foreign nationality, and the Vice-President of Egyptian nationality.

Should the President of a Tribunal be of Egyptian nationality, the Vice-President shall be of foreign nationality, and *vice versa*.

##### ARTICLE 5

The judgments of the Court of Appeal shall be given by five judges. Nevertheless, the law may prescribe that three judges shall compose Chambers to decide matters which are in first instance within the competence of a judge sitting alone.

<sup>1</sup> See articles 3 and 14 of the convention, *ante*, pp. 1653 and 1657.

The Assize Court shall consist of five judges, of whom three shall be Judges of the Court of Appeal.

The judgments of Tribunals of first instance, both in civil and criminal matters, shall be given by three judges.

In commercial matters, the three judges may, in virtue of a law, be assisted by two assessors in a consultative capacity.

In interlocutory matters, in civil cases of a summary nature, and for petty offences, judgments shall be given by a judge sitting alone.

#### ARTICLE 6

Judges shall be appointed by decree.

They shall be irremovable.

The age at which magistrates may be required to retire shall be 65 years for judges of first instance and 70 years for judges of the Court of Appeal.

Judges shall not be transferred from one Tribunal to another, nor shall they be promoted except in conformity with the recommendation of the General Assembly of the Court of Appeal.

#### ARTICLE 7

The Presidents and Vice-Presidents of the Court of Appeal and of the Tribunals shall be appointed for one year, by decree, on the nomination of the General Assembly of the Court by an absolute majority of votes. In the case of Tribunals of first instance, nominations shall be made from an alphabetical list drawn up by the General Assembly of each Tribunal and comprising three candidates at Alexandria and at Cairo and two candidates at Mansurah.

The Presidents of the Chambers of the Court of Appeal shall be nominated annually by the General Assembly of the Court.

The Presidents of the Chambers of each Tribunal shall be nominated annually by the General Assembly of the Court on the recommendation of the General Assembly of the Tribunal.

#### ARTICLE 8

The salaries of judges are fixed by law.

#### ARTICLE 9

Judges are debarred from engaging in business and from occupying any salaried position.

#### ARTICLE 10

Discipline over judges shall be exercised exclusively by the Court of Appeal. The General Judicial Regulations shall determine the disciplinary measures and the procedure to be followed in this matter.

#### ARTICLE 11

Proceedings shall be public, except in cases where the court by reasoned decision orders the hearing to be held *in camera* in the interests of morality or public order.

The accused shall be free to defend himself against the charge.



## ARTICLE 12

The judicial languages employed in the Mixed Tribunals for the conduct of cases and for the drafting of official documents and judgments shall be: Arabic, English, French and Italian.

The operative part of judgments shall be pronounced in two of the judicial languages, of which one must be Arabic. After the pronouncement, judgments drawn up in a foreign language shall be translated in their entirety into Arabic and those drawn up in Arabic shall be translated in their entirety into a foreign language.

In the event of divergence between the original text and the translation, the former shall be authentic.

## ARTICLE 13

Subject to the exceptions provided for by the Codes, laws or regulations, parties shall be represented at law only by persons authorised to practise as barristers in the Mixed Tribunals. The General Judicial Regulations determine the organisation of the Bar and the conditions for the exercise of discipline over barristers.

## ARTICLE 14

The auxiliary staff of the Court of Appeal and of the Tribunals shall include: clerks of the courts, assistant clerks, interpreters, bailiffs and other agents.

The General Judicial Regulations determine the conditions for the exercise of discipline over the above-mentioned staff.

## ARTICLE 15

Judgments shall be executed on the order of the court by its bailiffs, with the assistance of the administrative authorities when such assistance is requested.

## II. THE PARQUET

## ARTICLE 16

The Parquet of the Mixed Tribunals shall exercise the powers specified hereinafter together with those conferred upon it by law.

It shall be directed by a Procurator General of foreign nationality.

## ARTICLE 17

The Procurator General shall be assisted by a First Advocate General of Egyptian nationality and by a Second Advocate General of foreign nationality.

Should the Procurator General be absent or otherwise prevented from discharging his duties, he shall be replaced in civil matters and for the purposes of administration by the First Advocate General and in criminal matters by the Second Advocate General.

The Procurator General shall, in addition, have under his direction an adequate number of deputies.

## ARTICLE 18

The members of the Parquet shall be appointed by decree. They shall be removable and responsible only to their administrative chiefs and, ultimately, to the Minister of Justice.

## ARTICLE 19

The "Ministère public," in the person of the Procurator General, one of the Advocates General or a deputy, may sit in all the Chambers and in all the General Assemblies of the Court and of the Tribunals.

## ARTICLE 20

In criminal matters, the parquet shall conduct public prosecutions. It shall control the judicial police in all cases falling within the jurisdiction of the Mixed Tribunals.

Officials recognised by law as being members of the judicial police shall, as such, be under the orders of the parquet.

## ARTICLE 21

The Procurator General shall be called upon to give his opinion on the application to any foreigner of the provisions of the Criminal Code and of the "Code d'Instruction criminelle" concerning total or partial remission or commutation of any penalty and the execution of death sentences.

## ARTICLE 22

The Procurator General shall supervise prisons and penitentiaries in which foreigners are detained. He shall, in addition, have free access at all times to any other place wherein a foreigner may be detained.

He shall notify the Minister of Justice of all irregularities of which he becomes aware, and shall make to him any other communications called for in the exercise of the supervision for which he is responsible.

## ARTICLE 23

The "Ministère public" shall intervene in all matters involving questions of personal status or nationality. It may furthermore intervene in matters concerning minors or persons under an incapacity, and also in all other cases specified in the Code of Civil Procedure.

It shall further be empowered to order and to have carried out any measures which it may consider proper to safeguard the interests of minors or of persons under an incapacity.

## ARTICLE 24

The parquet shall supervise the administration of judicial funds and the special deposit and consignment fund.

It shall also supervise the clerks of the court and the bailiffs, who shall be under the exclusive control of the Presidents of the Court and Tribunals.

## III. COMPETENCE

## ARTICLE 25

For the purposes of determining the competence of the Mixed Tribunals, the word "foreigners" shall be taken to mean nationals of the High Contracting Parties to the Montreux Convention concerning the Abolition of Capitulations in Egypt, together with nationals of any other State that may be specified by decree.

No Egyptian national may avail himself of the protection of a foreign Power.

Nationals of Syria and of the Lebanon and also those of Palestine and Trans-Jordan shall come within the competence of the National jurisdiction as regards both civil and criminal matters.

Foreign nationals (citizens, subjects and protected persons) belonging to religions, confessions or sects for which there exist Egyptian Tribunals dealing with matters of personal status, shall continue to have their cases heard by the said Tribunals in such matters under the same conditions as in the past.

The nationals specified above shall, moreover, have the right to opt between the Mixed jurisdiction and the National jurisdiction in civil and commercial matters. When one of the said nationals is summoned in respect of either of the said matters before a National Tribunal, in a case in connection with which he has not previously accepted the competence of the National jurisdiction, he shall, if he wishes to challenge the competence of the Tribunal before which the case is brought, do so by registered letter or by service of a writ, or at the latest at the first hearing, failing which the Tribunal shall be competent.

*(A) Competence in Civil and Commercial Matters*

## ARTICLE 26

The Mixed Tribunals shall take cognizance of all civil and commercial suits between foreigners or between foreigners and parties subject to the jurisdiction of the National Courts.

Nevertheless, the National Tribunals shall be competent in the aforesaid matters in respect of any foreigner who agrees to submit himself to their jurisdiction.

Such submission may result from a clause attributing competence or from the fact (1) that the foreigner has himself initiated the proceedings before the National Courts; or (2) that he has not challenged the competence of the said courts before the pronouncement of a judicial decision in proceedings wherein he has appeared as defendant or as an intervening party.

Submission to the jurisdiction of a court of first instance entails submission to the jurisdiction of superior courts of the same category.

## ARTICLE 27

The Mixed Tribunals shall also take cognizance of suits and matters relating to personal status in cases wherein the law to be applied according to the terms of Article 29 is a foreign law.

## ARTICLE 28

Personal status comprises: suits and matters relating to the status and capacity of persons, legal relations between members of a family, more particularly betrothal, marriage, the reciprocal rights and duties of husband and wife, dowry and their rights of property during marriage, divorce, repudiation, separation, legitimacy, recognition and repudiation of paternity, the relation between ascendants and descendants, the duty of support as between relatives by blood or marriage, legitimation, adoption, guardianship, curatorship, interdiction, emancipation, and also gifts, inheritance, wills and other dispositions *mortis causa*, absence and the presumption of death.

## ARTICLE 29

The status and capacity of persons shall be governed by their national laws.

The fundamental conditions of the validity of marriage shall be governed by the national law of each of the parties thereto.

In matters concerning relations between the husband and wife, including separation, divorce and repudiation and the effects thereof upon their property, the law to be applied shall be the national law of the husband at the time of the celebration of the marriage.

Reciprocal rights and duties as between parents and children shall be governed by the national law of the father.

The duty of maintenance shall be governed by the national law of the party against whom the claim is made.

Matters relating to filiation, legitimation, and the recognition and repudiation of paternity shall be governed by the national law of the father.

Questions relating to the validity of adoption shall be governed by the national law of the adopting party as well as by that of the adopted person. The effects of adoption shall be governed by the national law of the adopting party.

Guardianship, curatorship and emancipation shall be governed by the national law of the person under the incapacity.

Inheritance and wills shall be governed by the national law of the deceased or of the testator.

Gifts shall be governed by the national law of the donor at the time of the gift.

The rules of the present article shall not affect provisions relating to the legal position of immovable property in Egypt.

## ARTICLE 30

Should the nationality of a person be unknown, or should he simultaneously possess, under the laws of several foreign States, the nationality of each of them, the judge shall decide what law shall be applied.

Should a person simultaneously possess the nationality of Egypt under Egyptian law and of one or more foreign States under the law of the State or States concerned, the law to be applied shall be the Egyptian law.

#### ARTICLE 31

The term "national law" shall be understood to mean the municipal law of the country in question to the exclusion of the provisions of private international law.

#### ARTICLE 32

Rules of procedure prescribed by a foreign law shall not apply in so far as they are incompatible with Egyptian rules of procedure.

#### ARTICLE 33

Subject to the provisions of Articles 34, 35, 36 and 37, the competence of the Mixed Tribunals shall be determined solely by the nationality of the parties directly concerned, without regard to any mixed interests which may be indirectly concerned.

#### ARTICLE 34

Companies of Egyptian nationality already incorporated, in which there are substantial foreign interests shall, in their suits with persons subject to the jurisdiction of the National Tribunals, be subject to the jurisdiction of the Mixed Tribunals unless the terms of their incorporation contain a clause attributing competence to the National Tribunals, or unless they have accepted the jurisdiction of the said courts in accordance with Article 26.

#### ARTICLE 35

The Mixed Tribunals shall similarly be competent in matters arising out of the bankruptcy of a person subject to the jurisdiction of the National Tribunals if one of the creditors party to the proceedings is a foreigner.

#### ARTICLE 36

The creation of a charge in favor of a foreigner over immovable property, whoever may be the person in possession or the owner thereof, renders the Mixed Tribunals *ipso facto* competent to determine the validity of the charge and all its consequences up to and including the forced sale of the said property and also the distribution of the monies realised thereby.

#### ARTICLE 37

The Mixed Tribunals shall not take cognizance of an action not in itself falling within their competence, even if it arises as subsidiary to an action already constituted before them. Nevertheless, they shall take cognizance of the said subsidiary action when the jurisdiction before which it has been brought, decides in the interests of justice, to remit it to be pleaded before them.

The Mixed Tribunals may, if they consider that the interests of justice so require, remit to be pleaded before the National Courts an action instituted before them, which is subsidiary to a principal action already instituted before the said National Courts.

#### ARTICLE 38

Suits by foreigners against a Wakf involving a claim to the ownership of immovable property of the said Wakf shall not be submitted to the Mixed Tribunals. Nevertheless, the said Tribunals shall be competent to give judgment on claims brought in respect of legal possession, whoever may be plaintiff or defendant.

Furthermore, suits directly or indirectly concerning the constitution of a Wakf or the validity, interpretation or application of its clauses, or the appointment or removal of the Nazir shall not come within the competence of the Mixed Tribunals.

The Mixed Tribunals may, nevertheless, declare void as against creditors the constitution of property as a Wakf in fraud of the rights of such creditors.

#### ARTICLE 39

When, in the course of proceedings, an issue is raised concerning the personal status of a party coming in that respect within the jurisdiction of some other court, the Mixed Tribunals shall, if they consider it necessary to secure a preliminary decision upon that issue, suspend judgment on the main issue and prescribe a time limit within which the party against whom the interlocutory plea has been raised must have the matter finally decided by the competent court. If such a preliminary decision is not considered necessary, they shall proceed to give a decision on the main issue.

#### ARTICLE 40

The cession of a right to a foreigner, the citing of a foreigner as third party, or a fictitious assignment to a foreigner shall not render the Mixed Tribunals competent to decide suits coming within the competence of the National Courts if the object of the said cession, citation as third party or fictitious assignment is to remove such litigation from the cognizance of the National Tribunals.

Any cession of a right to a foreigner agreed to during the course of the proceedings shall be presumed to have been made with the above object. The Court may, however, in exceptional cases, admit proof to the contrary.

Subject to the provisions of the preceding paragraph, the competence of the Mixed Tribunals cannot be challenged on the ground that the assignment is fictitious where the assignment is made by means of the endorsement of a negotiable instrument.

The irregular endorsement of a negotiable instrument to a foreigner, or its endorsement to a foreigner for purposes of collection, shall not give competence to the Mixed Tribunals in the case of suits that are within the competence of the National Courts.

## ARTICLE 41

Should the litigant whose foreign character gave competence to the Mixed Tribunals cease before the close of the hearing to be a party to the proceedings, the said Tribunals shall, on objection being raised by one of the parties, cease to have competence in the matter, which shall be transferred as it stands to the National Courts.

## ARTICLE 42

A change in the nationality of one of the parties during the course of the proceedings shall have no effect on the competence of the court before which a case has been properly brought.

## ARTICLE 43

The Mixed Tribunals may not directly or indirectly pass judgment on acts of sovereignty. They may not give decisions on the validity of the application of Egyptian laws or regulations to foreigners.

Furthermore, they may not give decisions on the ownership of public property.

Nevertheless, though they may not interpret an administrative act or arrest the execution thereof, they shall be competent to hear (1) all civil and commercial actions between foreigners and the State concerning movable or immovable property; (2) civil actions brought by foreigners against the State in respect of administrative measures taken in violation of laws or regulations.

*(B) Criminal Competence*

## ARTICLE 44

The Mixed Tribunals shall hear all prosecutions of foreigners in respect of acts punishable by law.

## ARTICLE 45

The Mixed Tribunals shall further hear all prosecutions against principal offenders or their accomplices, of whatever nationality, in respect of the following crimes and misdemeanors:—

(1) crimes and misdemeanors committed directly against judges and judicial officers of the Mixed Tribunals in the performance, or in connection with the performance, of their duties;

(2) crimes and misdemeanors committed directly to hinder the execution of judgments and warrants of the Mixed Tribunals;

(3) crimes and misdemeanors alleged against judges and judicial officers if they are accused of having committed them in the performance of their duties or in abuse of their powers;

(4) bankruptcy offences, whether crimes or misdemeanors with or without fraud, where the bankruptcy proceedings are before the Mixed Tribunals.

The term judicial officers in paragraphs (1) and (3) above shall comprise: clerks of the Court, sworn assistant clerks, interpreters attached to the Tribunal, and the official bailiffs, but not persons incidentally entrusted, by delegation from the Tribunal, with the service or execution of writs or warrants.

#### ARTICLE 46

In criminal matters the police courts shall deal with offences defined as contraventions by law and misdemeanors carrying a penalty of not more than three months' imprisonment.

The correctional courts shall deal with offences defined as misdemeanors by law other than those referred to in the preceding paragraph, and shall hear appeals against decisions given by the police courts.

The assize courts shall deal with offences defined as crimes by law.

#### ARTICLE 47

Arrests and domiciliary searches of foreigners, except in cases of "*flagrant délit*" or a call for help from within the dwelling-house shall be carried out by, or in the presence of, a member of the Mixed Parquet or an officer of the judicial police to whom such functions have been delegated by the Mixed Parquet.

#### ARTICLE 48

In criminal matters, if the Parquet considers there are grounds for prosecution, it must refer the case to the investigating magistrate.

In correctional matters also, the Parquet shall refer the case to the investigating magistrate unless it decides that the information received on summary enquiry is sufficient for the case to be brought to trial. In such a case, if the accused has been heard, or if his absence or the impossibility of finding his residence has been duly established, the Parquet may summon him directly before the Tribunal.

Nevertheless, at the request of the accused or of the Parquet, or without being moved thereto, the tribunal may declare the summons to be annulled and order the case to be referred to the investigating magistrate.

#### ARTICLE 49

The detention of any foreigner shall at once be notified to the Parquet. The Parquet is bound within the time specified in the Code d'Instruction criminelle and, at longest, within four days either to order the release of the person detained or to send him before the investigating magistrate.

Any foreigner who is detained pending trial shall have the right to inform his Consul and his lawyer of his detention through the intermediary of the Parquet.

The Consul and the lawyer of the detained person may visit him in prison under conditions approved by the Parquet.



## ARTICLE 50

Except in cases of urgency, if the accused has no defending counsel one shall be appointed for him, if he so requests, at the time of his interrogation, failing which the proceedings shall be void.

A defending counsel shall further be officially appointed within a reasonable time before the hearing of the case to every accused person committed for trial before the Assize Court.

## IV. GENERAL AND TRANSITORY PROVISIONS

## ARTICLE 51

The Mixed Tribunals shall administer justice in Our Name.

## ARTICLE 52

Where the law is silent, insufficient or obscure, the judge shall act in conformity with the principles of natural law and with the rules of equity.

## ARTICLE 53

Actions begun prior to October 15th, 1937, before a Consular jurisdiction shall be continued before that jurisdiction until a final judgment has been given.

The same shall apply to actions which have been begun prior to that date before the Mixed Tribunals and which, by virtue of the present law, would come within the competence of the National Tribunals.

In civil matters, actions referred to in the two paragraphs above may, on the request of the parties thereto and with the consent of all persons having an interest therein, be referred at the stage which they have reached to the courts which are competent according to the provisions of the preceding Articles in order that they may be continued and decided therein.

In criminal matters also, Consular jurisdictions may refer cases begun prior to October 15th, 1937, to the Mixed Tribunals.

## ARTICLE 54

Judgments and orders of the Consular Courts shall continue to have the force of *res judicata* and shall, when necessary, be executed through the agency of the Mixed Tribunals.

## ARTICLE 55

Prescriptions and foreclosures which were applicable in cases when within the competence of the Consular Courts shall continue to apply when they come before the Mixed Tribunals.

## ARTICLE 56

Notwithstanding the provisions of Article 27, the Mixed Tribunals shall not have competence in matters of personal status where the law applicable in accordance with the provisions of Article 29 is that of a High Contracting Party to the Convention regarding the abolition of the Capitulations in Egypt, which, in accordance with Article 9 of that Convention, has reserved jurisdiction in personal status for its Consular Courts and that reservation has not been withdrawn.

## ARTICLE 57

The provisions of the existing General Judicial Regulations shall remain in force in so far as they are not abrogated or modified by the preceding provisions.

No modification of the said Regulations proposed by the General Assembly of the Court shall take effect until promulgated by decree on the proposal of the Minister of Justice.

## ARTICLE 58

The present *Règlement d'organisation judiciaire pour les procès mixtes en Égypte* and any provisions contrary to the present law are hereby abrogated.

## PIÈCES CONNEXES

### Acte Final

La Conférence des Capitulations s'est réunie sur l'invitation du Gouvernement de Sa Majesté le Roi d'Egypte, à Montreux, le 12 avril 1937.

Les Gouvernements dont l'énumération suit ont été représentés à la Conférence par les délégations ci-après:

#### UNION SUD-AFRICAINE

##### *Délégués:*

M. le Dr STEFANUS François Naudé GIE, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin;

M. Harry Thomson ANDREWS, Délégué permanent auprès de la Société des Nations;

##### *Secrétaire:*

M. R. JONES, Vice consul à Hambourg;

#### ÉTATS-UNIS D'AMÉRIQUE

##### *Délégué:*

M. Bert FISH, Envoyé extraordinaire et Ministre plénipotentiaire au Caire;

##### *Experts:*

M. Paul H. ALLING, Sous-Chef de la Section des Affaires du Proche-Orient au Département d'Etat;

M. Francis Colt de WOLF, Division des Traités du Département d'Etat;

#### AUSTRALIE

##### *Délégué:*

Le Très Honorable Capitaine David Euan WALLACE, M. C., M. P.;

#### BELGIQUE

##### *Délégués:*

M. P. FORTHOMME, ancien Ministre de la Couronne, Envoyé extraordinaire et Ministre plénipotentiaire, *Président de la Délégation*;

M. J. WATHELET, Conseiller royal honoraire du Gouvernement égyptien;

M. G. DELCOIGNE, Secrétaire de Légation;

M. A. HERMENT, Sous-Directeur au Ministère des Affaires étrangères;

## RELATED PAPERS

### Final Act

The Capitulations Conference met at the invitation of the Government of His Majesty the King of Egypt, at Montreux, on April 12th, 1937.

The Governments enumerated below were represented at the Conference by the following delegations:

#### UNION OF SOUTH AFRICA.

##### *Delegates:*

Dr. Stefanus François Naudé GIE, Envoy Extraordinary and Minister Plenipotentiary in Berlin;

Mr. Harry Thomson ANDREWS, Permanent Delegate to the League of Nations.

##### *Secretary:*

Mr. R. JONES, Vice Consul at Hamburg;

#### UNITED STATES OF AMERICA.

##### *Delegate:*

Mr. Bert FISH, Envoy Extraordinary and Minister Plenipotentiary, at Cairo;

##### *Experts:*

Mr. Paul H. ALLING, Assistant-Chief, Division of Near Eastern Affairs, Department of State;

Mr. Francis Colt de WOLF, Treaty Division, Department of State;

#### AUSTRALIA.

##### *Delegate:*

Captain the Right Honourable David Euan WALLACE, M. C., M. P.;

#### BELGIUM.

##### *Delegates:*

M. P. FORTHOMME, former Minister of the Crown, Envoy Extraordinary and Minister Plenipotentiary, *President of the Delegation*;

M. J. WATHELET, Honorary Royal Counsellor of the Egyptian Government;

M. G. DELCOIGNE, Secretary of Legation;

M. A. HERMENT, Assistant-Director in the Ministry of Foreign Affairs;

## ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

*Délégués:*

Le Très Honorable Capitaine David Euan WALLACE, M. C., M. P.,  
Sous-Secrétaire d'Etat parlementaire aux Affaires étrangères,  
Secrétaire parlementaire au Board of Trade, Secrétaire du  
Département du Commerce d'outre-mer;

*Secrétaire privé:* M. Patrick MUNRO, M. P., Secrétaire parlemen-  
taire privé du Capitaine Wallace;

M. David Victor KELLY, C. M. G., M. C., Conseiller à l'Ambassade  
de Sa Majesté Britannique au Caire;

M. William Eric BECKETT, C. M. G., Deuxième Conseiller juridique  
au Foreign Office;

*Secrétaire général:*

M. J. S. SÔMERS COCKS;

## DANEMARK

*Délégués:*

M. Niels Peter ARNSTEDT, Envoyé extraordinaire et Ministre  
plénipotentiaire au Caire, *Président de la Délégation*;

M. Niels Vilhelm BOEG, Conseiller à la Cour d'Appel de Copenhague,  
ancien Juge près les Tribunaux de la Réforme en Egypte, ancien  
Président du Tribunal arbitral mixte turco-grec;

## ÉGYPTÉ

*Délégués:*

MOUSTAPHA EL-NAHAS Pacha, Président du Conseil des Ministres,  
Ministre de l'Intérieur et de l'Hygiène publique;

D<sup>r</sup> AHMED MAHER, Président de la Chambre des Députés;

WACYF BOUTROS GHALI Pacha, Ministre des Affaires étrangères;

MAKRAM EBEID Pacha, Ministre des Finances;

ABDEL HAMID BADAoui Pacha, Président du Comité du Con-  
tentieux de l'Etat;

*Conseillers techniques:*

M. E. F. W. BESLY, Secrétaire légal du Conseiller judiciaire;

M. Maurice JACQUET, Conseiller royal;

*Secrétaire général:*

Georges DUMANI Bey, Contrôleur général du Bureau politique  
européen;

*Secrétaire général-adjoint:*

Mohamed SALAH EDDINE Bey, Secrétaire général-adjoint du  
Conseil des Ministres;

*Secrétaires techniques:*

A. ASSABGHY Bey, Chef du Parquet du Tribunal mixte du Caire;

M. J. FELDMAN, Substitut au Contentieux de l'Etat;

M. H. BAHGAT BADAoui, Substitut au Contentieux de l'Etat;

M. L. DICHY, Secrétaire du Conseil économique;

## UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

*Delegates:*

Captain the Right Honourable David Euan WALLACE, M. C., M. P., a Parliamentary Under-Secretary of State for Foreign Affairs, a Parliamentary Secretary to the Board of Trade, Secretary of the Department of Overseas Trade;

*Private Secretary:* Mr. Patrick MUNRO, M. P. (Private Parliamentary Secretary to Captain Wallace);

Mr. David Victor KELLY, C. M. G., M. C., Counsellor in His Britannic Majesty's Embassy at Cairo;

Mr. William Eric BECKETT, C. M. G., Second Legal Adviser to the Foreign Office;

*Secretary-General:*

Mr. J. S. SÔMERS COCKS;

## DENMARK.

*Delegates:*

M. Niels Peter ARNSTEDT, Envoy Extraordinary and Minister Plenipotentiary, at Cairo, *President of the Delegation*;

M. Niels Vilhelm BOEG, Member of the Court of Appeal at Copenhagen, former Judge of the Mixed Tribunals in Egypt, former President of the Mixed Greco-Turkish Arbitration Tribunal;

## EGYPT.

*Delegates:*

MUSTAPHA EL-NAHAS Pasha, President of the Council of Ministers, Minister of the Interior and of Public Health;

Dr. AHMED MAHER, President of the Chamber of Deputies;

WACYF BOUTROS GHALI Pasha, Minister for Foreign Affairs;

MAKRAM EBEID Pasha, Minister of Finance;

ABDEL HAMID BADAoui Pasha, President of the *Comité du Contentieux de l'Etat*;

*Technical advisers:*

Mr. E. F. W. BESLY, Legal Secretary to the Judicial Adviser;

M. Maurice JACQUET, Royal Counsellor;

*Secretary-General:*

Georges DUMANI Bey, Controller-General of the European Political Bureau;

*Deputy Secretary-General:*

Mohamed SALAH EDDINE BEY, Deputy Secretary-General of the Council of Ministers;

*Technical Secretaries:*

A. ASSABGHY Bey, Head of the Parquet of the Mixed Tribunal at Cairo;

M. J. FELDMAN, *Substitut au Contentieux de l'Etat*;

M. H. BAHGAT BADAoui, *Substitut au Contentieux de l'Etat*;

M. L. DICHY, Secretary of the Economic Council.

*Secrétaires:*

M. Fouad EL PHARAONY, Attaché à la Légation Royale d'Egypte à Paris;

M. Aram STEPHAN, Attaché à la Légation Royale d'Egypte à Paris;

## ESPAGNE

*Délégués:*

M. Antonio FABRA RIBAS, Envoyé extraordinaire et Ministre plénipotentiaire à Berne;

M. le D<sup>r</sup> Mariano GOMEZ, Président de la Cour Suprême de Justice, ancien Recteur de l'Université de Valence;

M. Benito PABON, Président de la Commission Consultative Juridique;

*Secrétaire:*

M. Rafael TOLSA;

## FRANCE

*Délégués:*

M. François de TESSAN, Député, Sous-Secrétaire d'Etat à la Présidence du Conseil;

M. Max HYMANS, Député, ancien Président de la Commission des douanes et des Conventions commerciales;

*Délégués-adjoints:*

M. Jean Pozzi, Ministre plénipotentiaire;

M. Ernest LAGARDE, Ministre plénipotentiaire, Sous-Directeur d'Afrique-Levant;

M. Paul CHARGUÉRAUD, Conseiller juridique du Ministère des Affaires étrangères;

*Conseiller:*

M. Maurice LINANT DE BELLEFONDS, ancien Conseiller royal du Gouvernement égyptien;

*Secrétaire général:*

M. Roger GARREAU, Conseiller d'Ambassade;

*Secrétaires:*

M. Roger Robert DU GARDIER, Secrétaire d'Ambassade, *Secrétaire général-adjoint*;

M. Albert CHAMBON, Secrétaire interprète d'Extrême-Orient;

M. Henri BRADIER, Attaché au Ministère des Affaires étrangères;

*Experts:*

M. Jean CABOUAT, Chef de cabinet du Sous-Secrétaire d'Etat à la Présidence du Conseil;

M. Raoul AGHION, Conseiller du commerce extérieur de la France;

*Secretaries:*

- M. Fouad EL PHARAONY, Attaché in the Royal Egyptian Legation in Paris;  
 M. Aram STEPHAN, Attaché in the Royal Egyptian Legation in Paris;

## SPAIN.

*Delegates:*

- M. Antonio FABRA RIBAS, Envoy Extraordinary and Minister Plenipotentiary at Berne;  
 Dr. Mariano GOMEZ, President of the Supreme Court of Justice, former Rector of the University of Valencia;  
 M. Benito PABON, President of the Legal Advisory Committee;

*Secretary:*

- M. Rafael TOLSA;

## FRANCE.

*Delegates:*

- M. François DE TESSAN, Deputy, Under-Secretary of State in the Department of the President of the Council;  
 M. Max HYMANS, Deputy, former President of the Commission for Customs and Commercial Conventions;

*Deputy-delegates:*

- M. Jean POZZI, Minister Plenipotentiary;  
 M. Ernest LAGARDE, Minister Plenipotentiary, *Sous-Directeur d'Afrique-Levant*;  
 M. Paul CHARGUÉRAUD, Legal Adviser to the Ministry of Foreign Affairs;

*Adviser:*

- M. Maurice LINANT DE BELLEFONDS, former Royal Counsellor of the Egyptian Government;

*Secretary-General:*

- M. Roger GARREAU, Counsellor of Embassy;

*Secretaries:*

- M. Roger Robert DU GARDIER, Secretary of Embassy, *Deputy Secretary-General*;  
 M. Albert CHAMBON, Far-Eastern Secretary-Interpreter;  
 M. Henri BRADIER, Attaché in the Ministry of Foreign Affairs;

*Experts:*

- M. Jean CABOUAT, *Chef de Cabinet* of the Under-Secretary of State in the Department of the President of the Council;  
 M. Raoul AGHION, Adviser on French Foreign Trade;



## GRÈCE

*Délégués:*

- M. Nicolas POLITIS, Ministre de Grèce à Paris, ancien Ministre des Affaires étrangères, *Président de la Délégation*;  
 M. Georges ROUSSOS, Envoyé extraordinaire et Ministre plénipotentiaire, ancien Ministre des Affaires étrangères;  
 M. Constantin VRYAKOS, Envoyé extraordinaire et Ministre plénipotentiaire, ancien Ministre de la Justice;  
 M. Constantin SAKELLAROPOULO, Envoyé extraordinaire et Ministre plénipotentiaire, Directeur des Affaires politiques au Ministère des Affaires étrangères;

*Secrétaire général:*

- M. Michel MELAS, Premier Secrétaire de Légation;

## INDE

*Délégué:*

- Le Très Honorable Capitaine David Euan WALLACE, M. C., M. P.;

## ÉTAT LIBRE D'IRLANDE

*Délégué:*

- F. T. CREMINS, Délégué permanent auprès de la Société des Nations;

## ITALIE

*Délégués:*

- Le Comte Luigi ALDROVANDI MARESCOTTI DI VIANO, Ambassadeur de Sa Majesté le Roi d'Italie, Empereur d'Ethiopie, *Président de la Délégation*;  
 M. Salvatore MESSINA, Président de Section à la Cour de Cassation;  
  
 M. Piero PARINI, Ministre plénipotentiaire, Directeur général des Italiens à l'étranger;  
 M. Pellegrino GHIGI, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi d'Italie, Empereur d'Ethiopie, au Caire;

*Secrétaire général:*

- Le Comte Vittorio ZOPPI, Conseiller de Légation;

*Experts:*

- M. Alberto d'AGOSTINO, Directeur général au Sous-Secrétariat d'Etat pour les échanges et les devises;  
 M. Leopoldo PICCARDI, Conseiller d'Etat;  
 M. Alberto CALISSE, Sous-Directeur pour les Affaires commerciales au Ministère des Affaires étrangères;  
 M. Gaetano MORELLI, Professeur de Droit international;

*Secrétaires:*

- M. Giacomo PROFILI;  
 M. Mario PIRODDI;

## GREECE.

*Delegates:*

- M. Nicolas POLITIS, Greek Minister in Paris, former Minister for Foreign Affairs, *President of the Delegation*;
- M. Georges ROUSSOS, Envoy Extraordinary and Minister Plenipotentiary, former Minister for Foreign Affairs;
- M. Constantin VRYAKOS, Envoy Extraordinary and Minister Plenipotentiary, former Minister of Justice;
- M. Constantin SAKELLAROPOULO, Envoy Extraordinary and Minister Plenipotentiary, Director of Political Affairs in the Ministry of Foreign Affairs;

*Secretary-General:*

- M. Michel MELAS, First Secretary of Legation;

## INDIA.

*Delegate:*

- Captain the Right Honourable David Euan WALLACE, M. C., M. P.;

## IRISH FREE STATE.

*Delegate:*

- Mr. F. T. CREMINS, Permanent Delegate to the League of Nations;

## ITALY.

*Delegates:*

- Count Luigi ADLROVANDI MARESCOTTI di VIANO, Ambassador of His Majesty the King of Italy, Emperor of Ethiopia, *President of the Delegation*;
- M. Salvatore MESSINA, President of Section in the Court of Cassation;
- M. Piero PARINI, Minister Plenipotentiary, Director-General of Italians abroad;
- M. Pellegrino GHIGI, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy, Emperor of Ethiopia, at Cairo;

*Secretary-General:*

- Count Vittorio ZOPPI, Counsellor of Legation;

*Experts:*

- M. Alberto d'AGOSTINO, Director-General in the Department of the Under-Secretary of State, for Trade and Exchange;
- M. Leopoldo PICCARDI, Counsellor of State;
- M. Alberto CALISSE, Assistant Director of Commercial Affairs in the Ministry of Foreign Affairs;
- M. Gaetano MORELLI, Professor of International Law;

*Secretaries:*

- M. Giacomo PROFILI;
- M. Mario PIRODDI;

## NORVÈGE

*Délégué:*

M. Michael HANSSON, ancien Président de la Cour d'Appel mixte d'Egypte, Membre pour la Norvège de la Cour permanente d'arbitrage à La Haye, Président de l'Office International Nansen pour les réfugiés;

*Expert technique:*

Georges CORONI Bey, Directeur administratif de l'Office International Nansen, ancien Greffier en chef de la Cour d'Appel mixte d'Egypte;

## NOUVELLE-ZÉLANDE

*Délégué:*

Le Très Honorable Capitaine David Euan WALLACE, M. C., M. P.;

## PAYS-BAS

*Délégués:*

M. W. C. BEUCKER, ANDREAE, Chef de la Direction des Affaires juridiques au Ministère des Affaires étrangères;

M. le Chevalier J. J. B. BOSCH DE ROSENTHAL, Chargé d'affaires en Egypte;

Le Comte W. F. L. DE BYLANDT, Conseiller à la Légation des Pays-Bas à Paris;

## PORTUGAL

*Délégué:*

M. le D<sup>r</sup> J. CAEIRO Da MATTA, ancien Ministre des Affaires étrangères, Professeur et Recteur de l'Université de Lisbonne;

## SUÈDE

*Délégué:*

M. K. K. F. MALMAR, Directeur de la Division juridique du Ministère des Affaires étrangères.

M. Th. AGHNIDES, Directeur de la Section du Désarmement au Secrétariat de la Société des Nations, a rempli les fonctions de Secrétaire général de la Conférence.

Dans une série de réunions tenues du 12 avril au 8 mai 1937, où les Délégués précités ont été constamment animés du désir de réaliser les intentions de leurs Gouvernements d'établir, à la suite de leur accord au sujet de l'abolition du régime des Capitulations en Egypte, les bases de la plus confiante collaboration entre cette Puissance et les autres Hautes Parties contractantes, la Conférence a arrêté, pour être soumis à la signature des Plénipotentiaires, le texte des Convention, Règlement et Protocole et a pris connaissance et acte des Déclaration et Lettres, énumérés ci-après et annexés au présent Acte final:

I. Convention concernant l'abolition des Capitulations en Egypte.

II. Règlement d'organisation judiciaire (*Annexe à la Convention*).

III. Protocole.

IV. Déclaration du Gouvernement royal égyptien.

V. Lettres.

## NORWAY.

*Delegate:*

M. Michael HANSSON, former President of the Egyptian Mixed Court of Appeal, Norwegian Member of the Permanent Court of Arbitration at The Hague, President of the Nansen International Office for Refugees;

*Technical Expert:*

Georges CORONI Bey, Administrative Director of the Nansen International Office, Former Chief Registrar of the Egyptian Mixed Court of Appeal;

## NEW ZEALAND.

*Delegate:*

Captain the Right Honorable David Euan WALLACE, M. C., M. P.;

## NETHERLANDS.

*Delegates:*

M. W. C. BEUCKER ANDREAE, Head of the Legal Section in the Ministry of Foreign Affairs, The Hague;

M. le Chevalier J. J. B. BOSCH DE ROSENTHAL, Chargé d'Affaires in Egypt;

Count W. F. L. DE BYLANDT, Counsellor of the Netherlands Legation in Paris;

## PORTUGAL.

*Delegate:*

Dr. J. CAEIRO DA MATTA, Former Minister for Foreign Affairs, Professor and Rector of the University of Lisbon;

## SWEDEN.

*Delegate:*

M. K. K. F. MALMAR, Director of the Legal Division at the Ministry of Foreign Affairs.

M. Th. AGNIDES Director of the Disarmament Section of the Secretariat of the League of Nations, discharged the duties of Secretary-General of the Conference.

In a series of meetings held from April 12th to May 8th 1937, throughout which the above-mentioned delegates were constantly animated by the desire to realise their Governments' intentions to establish, following upon their agreement regarding the abolition of the Capitulatory system in Egypt, the bases of the most confident collaboration between that Power and the other High Contracting Parties, the Conference drew up for signature by the Plenipotentiaries the text of the Convention, *Règlement* and Protocol and took cognizance and note of the Declaration and Letters enumerated hereunder and annexed to the present Final Act:

- I. Convention regarding the abolition of the Capitulations in Egypt.
- II. *Règlement d'organisation judiciaire* (Annex to the Convention).
- III. Protocol.
- IV. Declaration by the Royal Egyptian Government.
- V. Letters.

## Signatures.

EN FOI DE QUOI les Plénipoten- IN FAITH WHEREOF the Pleni-  
tiaires ont signé le présent Acte. potentiaries have signed the pres-  
ent Act.

FAIT à Montreux, le huit mai DONE at Montreux, this eighth  
mil neuf cent trente-sept, en un day of May, one thousand nine  
seul exemplaire qui sera déposé hundred and thirty-seven, in a  
dans les archives du Gouvernement single copy which shall be de-  
royal égyptien et dont des copies posited in the archives of the  
certifiées conformes seront remises Royal Egyptian Government and  
aux Gouvernements des Puissan- of which certified true copies shall  
ces signataires. be delivered to the Governments  
of the signatory Powers.

*Le Président de la Conférence:*  
MOUSTAPHA EL-NAHAS

*The President of the Conference:*  
MOUSTAPHA EL-NAHAS

*Le Secrétaire général  
de la Conférence:*  
TH. AGHNIDES

*The Secretary-General  
of the Conférence:*  
TH. AGHNIDES

UNION SUD-AFRICAINE

UNION OF SOUTH AFRICA

S. F. N. GIE  
H. T. ANDREWS

ETATS-UNIS D'AMÉRIQUE

UNITED STATES OF AMERICA

BERT FISH

AUSTRALIE

AUSTRALIA

DAVID EUAN WALLACE

BELGIQUE

BELGIUM

P. FORTHOMME

GRANDE-BRETAGNE ET  
IRLANDE DU NORD

GREAT BRITAIN AND  
NORTHERN IRELAND

DAVID EUAN WALLACE  
DAVID VICTOR KELLY  
WILLIAM ERIC BECKETT

DANEMARK

DENMARK

N. P. ARNSTEDT  
N. V. BOEG

EGYPTE

EGYPT

MOUSTAPHA EL-NAHAS  
A. MAHER  
WACYF BOUTROS GHALI  
MAKRAM EBEID  
A. BADAOU

ESPAGNE

SPAIN

A. FABRA RIBAS  
MARIANO GOMEZ

FRANCE		FRANCE
	F. DE TESSAN HYMANS	
GRÈCE		GREECE
	N. POLITIS G. ROUSSOS C. VRYAKOS C. M. SAKELLAROPOULO	
INDE		INDIA
	DAVID EUAN WALLACE	
ETAT LIBRE D'IRLANDE		IRISH FREE STATE
	F. T. CREMINS	
ITALIE		ITALY
	L. ALDROVANDI SALVATORE MESSINA PIERO PARINI GHIGI	
NORVÈGE		NORWAY
	MICHAËL HANSSON	
NOUVELLE-ZÉLANDE		NEW ZEALAND
	DAVID EUAN WALLACE	
PAYS-BAS		NETHERLANDS
	W. C. BEUCKER ANDREAE J. BOSCH DE ROSENTHAL W. DE BYLANDT	
PORTUGAL		PORTUGAL
	CAEIRO DA MATTA	
SUÈDE		SWEDEN
	MALMAR	

## Déclaration du Gouvernement Royal Égyptien

LES SOUSSIGNÉS, agissant en vertu de leurs pleins pouvoirs, procèdent à la déclaration suivante:

### 1. COMPÉTENCE DES TRIBUNAUX MIXTES.

Le Gouvernement royal égyptien, se référant à l'article 25 alinéa premier du Règlement d'organisation judiciaire, a déjà décidé d'étendre par décret la compétence des tribunaux mixtes aux ressortissants des huit Etats suivants: Allemagne, Autriche, Hongrie, Pologne, Roumanie, Suisse, Tchécoslovaquie et Yougoslavie.

### 2. RÈGLE DE NON DISCRIMINATION.

En ce qui concerne l'article 2 alinéa 2 de la Convention et le Protocole relatif à ce texte, le fait d'avoir limité à la durée de la période transitoire l'effet de la règle de non discrimination visée dans l'article 2 précité n'implique pas, de la part du Gouvernement royal égyptien, l'intention de suivre en cette matière, à la fin de ladite période, une politique opposée, de discrimination au détriment des étrangers. Le Gouvernement royal égyptien est d'ailleurs disposé à conclure des traités d'établissement et d'amitié avec les diverses Puissances.

### 3. STATUT PERSONNEL.

Ayant déjà spontanément adopté le principe de la personnalité des lois en matière de statut personnel, notamment dans les traités d'établissement conclus avec l'Iran et la Turquie, le Gouvernement royal égyptien entend suivre en cette matière à l'avenir le même principe.

Quant aux règles de procédure que le Gouvernement royal égyptien se propose d'édicter en matière de statut personnel, elles seront appliquées sous réserve qu'une règle de fond de la loi nationale étrangère ne fasse pas obstacle à cette application.

### 4. EXPULSION

L'abolition des Capitulations entraînant la suppression de toutes les restrictions au droit du Gouvernement royal égyptien d'expulser les étrangers se trouvant sur le territoire de l'Egypte, il n'entre pas cependant dans les intentions de ce Gouvernement d'exercer, durant la période transitoire, son droit d'expulsion à l'égard d'un étranger justiciable des tribunaux mixtes qui aura résidé en Egypte pendant au moins cinq années, ni de lui refuser l'accès du territoire égyptien s'il l'a temporairement quitté, sauf dans l'un des cas suivants:

a) s'il a été condamné pour un crime ou pour un délit punissable de plus de trois mois d'emprisonnement;

### Declaration by the Royal Egyptian Government

THE UNDERSIGNED, acting in virtue of their full powers, make the following declaration:

#### 1. COMPETENCE OF THE MIXED TRIBUNALS.

With reference to Article 25, paragraph 1, of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government has already decided to extend by decree the competence of the Mixed Tribunals to nationals of the following eight States: Austria, Czechoslovakia, Germany, Hungary, Poland, Roumania, Switzerland, Yugoslavia.

#### 2. NON-DISCRIMINATION RULE.

With reference to Article 2, paragraph 2, of the Convention and the Protocol relating thereto, the fact that the effect of the non-discrimination rule referred to in the above-mentioned Article 2 is limited to the duration of the transition period, does not imply any intention on the part of the Royal Egyptian Government to pursue thereafter in this matter any contrary policy of discrimination against foreigners. The Royal Egyptian Government is, moreover, prepared to conclude Establishment Treaties and Treaties of Friendship with the various Powers.

#### 3. PERSONAL STATUS.

The Royal Egyptian Government, having already, and more particularly in the Establishment Treaties which it has concluded with Iran and Turkey, spontaneously adopted the principle that, in matters of personal status, the personal law should apply, intends to adopt the same principle with regard thereto in the future.

As regards the rules of procedure, which the Royal Egyptian Government intends to enact for cases of personal status, these will be applied provided that no substantive rule of the foreign national law prevents their application.

#### 4. DEPORTATION.

Although the abolition of Capitulations entails the removal of all the existing restrictions on the Royal Egyptian Government's right to deport foreigners who are within Egyptian territory, nevertheless that Government does not intend to exercise during the transition period its right of deportation in respect of a foreigner subject to the jurisdiction of the Mixed Tribunals, who shall have resided in Egypt for at least five years, or to refuse such a foreigner access to Egyptian territory, if he has temporarily quitted that territory, unless:

(a) he has been convicted in respect of a crime or misdemeanour punishable by more than three months' imprisonment, or



b) s'il s'est rendu coupable d'activités de nature subversive ou portant atteinte à l'ordre public ou à la tranquillité, la morale ou la santé publiques;

c) s'il est indigent et à la charge de l'Etat.

Le Gouvernement royal égyptien se propose en outre d'instituer une commission administrative consultative dont fera partie le Procureur général près les tribunaux mixtes, en vue de faire examiner par elle, le cas échéant, les contestations au sujet soit de l'identité ou de la nationalité de la personne dont l'expulsion est envisagée, soit de la durée de son séjour en Egypte, soit de l'existence des faits sur lesquels l'expulsion est basée.

#### 5. EXTRADITION.

Conformément à la pratique généralement adoptée en matière d'extradition, le Gouvernement royal égyptien a l'intention d'adopter en cette matière la procédure judiciaire. Les tribunaux mixtes auront donc à se prononcer sur la vérification de la régularité de la demande d'extradition, lorsqu'elle concernera un étranger justiciable de ces tribunaux.

#### 6. CLAUSE ATTRIBUTIVE DE COMPÉTENCE.

Se référant à l'article 26 du Règlement d'organisation judiciaire, le Gouvernement royal égyptien n'a pas l'intention d'insérer dans les contrats du gouvernement (y compris les contrats des administrations publiques et des municipalités) de clause attributive de compétence juridictionnelle.

#### 7. MAGISTRATS, FONCTIONNAIRES ET BARREAU.

Il n'entre pas dans les intentions du Gouvernement royal égyptien de modifier les conditions de service ou les traitements actuels des magistrats des tribunaux mixtes.

De même, le Gouvernement n'a pas l'intention de modifier les traitements actuels des fonctionnaires et employés desdits tribunaux. Il examinera avec bienveillance à l'occasion de l'établissement du nouveau cadre actuellement à l'étude la situation desdits fonctionnaires et employés au point de vue des classes et conditions d'augmentation ou de promotion.

(b) he has been guilty of activities of a subversive nature or to the prejudice of public order or public tranquillity, morality or health, or

(c) he is indigent and a burden upon the State.

The Royal Egyptian Government further proposes to set up an administrative advisory committee, of which the Procurator General of the Mixed Tribunals shall be a member, for the purpose of examining any disputes on the subject of the identity or the nationality of the person whose deportation is under consideration, or of the length of his residence in Egypt, or of the existence of the facts which constitute the grounds for deportation.

#### 5. EXTRADITION.

In conformity with the practice generally adopted in regard to extradition, the Royal Egyptian Government intends to adopt judicial procedure in this matter. It will therefore be necessary for the Mixed Tribunals to pronounce upon the regularity of the request for extradition when such request relates to a foreigner within the jurisdiction of the said Tribunals.

#### 6. CLAUSE RELATING TO THE JURISDICTION TO WHICH DISPUTES SHOULD BE SUBMITTED.

With reference to Article 26 of the *Règlement d'organisation judiciaire*, the Royal Egyptian Government does not intend to insert in Government contracts (including contracts made by public administrations and municipalities) any clause relating to the jurisdiction to which disputes should be submitted.

#### 7. JUDGES, OFFICIALS AND MEMBERS OF THE BAR.

The Royal Egyptian Government does not intend to alter either the existing conditions of service or the present salaries of judges of the Mixed Tribunals.

Similarly, the Government does not intend to alter the present salaries of officials and employees of the said Tribunals.

It will give sympathetic consideration to their treatment in respect of grading, rules for increase of salary and promotion, when the new cadre now being considered is introduced.

Le cas de ceux de ces fonctionnaires et employés qui seraient licenciés à la fin de la période transitoire fera l'objet d'un examen particulier en tenant compte des circonstances propres à chaque cas. Si ces circonstances le justifient, certains avantages pourront être accordés au point de vue de la pension ou de l'indemnité.

Le Gouvernement a l'intention, quant aux pensions des magistrats, fonctionnaires et employés étrangers, d'éviter la double imposition.

En ce qui concerne, en outre, les avocats inscrits au barreau mixte, le Gouvernement se propose de prendre les mesures nécessaires pour leur permettre d'obtenir sans condition, à la fin de la période transitoire, leur inscription avec leur rang d'ancienneté au tableau de l'ordre des avocats près les tribunaux nationaux.

The case of any such officials and employees who may be retired at the end of the transition period will receive special consideration, the circumstances peculiar to each individual being taken into account. Should such circumstances justify it, certain advantages may be granted in the matter of the pension or compensation to be paid.

As regards the pensions of foreign judges, officials and employees, the Government intends to ensure that they are not prejudiced by double taxation.

Furthermore, in the case of advocates admitted to practise at the Mixed Bar the Egyptian Government intends to take the necessary measures to enable such advocates, at the end of the transition period, to obtain unconditionally the inscription of their names and the recognition of their professional seniority on the roll of the Order of Advocates practising in the National Tribunals.

FAIT à Montreux, le huit mai  
mil neuf cent trente sept.

DONE at Montreux on May 8th,  
1937.

MOUSTAPHA EL-NAHAS

A. MAHER

WACYF BOUTROS GHALI

MAKRAM EBEID

A. BADAoui

**Letters Relating to Educational, Medical, and Charitable Institutions (Associations or Foundations)**

*a) Letter from the President of the Egyptian Delegation to the President of the Delegation of the United States of America.*

MONTREUX, May 8th 1937.

SIR,

As Your Excellency has expressed a desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of the United States of America in Egypt, I have the honour to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions, actually existing in the country at the date of the Convention signed this day, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

(1) They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

(2) They shall retain their legal status and shall, as regards their organisation and operation, be governed by their charters or other instruments under which they were created and also in the case of educational institutions, by their own curricula.

(3) They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

(4) They may continue to employ their existing staff and may also, each within the scope of its organisation, employ either Egyptians or foreigners, whether established in Egypt or elsewhere, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of control over the entry of foreigners into Egypt.

Furthermore, within the limits of the customs recognised in Egypt regarding religions other than the State religion, freedom of worship shall continue to be assured to all religious institutions of the United States of America on condition that there is no offence against public order or morals.

A list of the institutions referred to in this letter shall be drawn up as soon as possible in agreement between the Egyptian Government and the Government of the United States of America.

I have the honour to be, Sir,  
Your obedient servant.

Moustapha EL-NAHAS  
*President of the Egyptian Delegation.*

*Reply by the President of the Delegation of the United States of America to the President of the Egyptian Delegation.*

MONTREUX, May 8th, 1937.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of the United States of America in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I have the honour to be, Sir,  
Your obedient servant.

BERT FISH  
*President of the Delegation of the United States of America.*

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*b) Letter from the President of the Egyptian Delegation to the President of the Delegation of the United Kingdom.*

MONTREUX, May 8th, 1937.

SIR,

As Your Excellency has expressed a desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of the United Kingdom in Egypt, I have the honour to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions, actually existing in the country at the date of the Convention signed this day, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

(1) They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal

laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

(2) They shall retain their legal status and shall, as regards their organisation and operation, be governed by their charters or other instruments under which they were created and also in the case of educational institutions, by their own curricula.

(3) They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

(4) They may continue to employ their existing staff and may also, each within the scope of its organisation, employ either Egyptians or foreigners, whether established in Egypt or elsewhere, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Royal Egyptian Government's general right of control over the entry of foreigners into Egypt.

Furthermore, within the limits of the customs recognised in Egypt regarding religions other than the State religion, freedom of worship shall continue to be assured to all religious institutions of the United Kingdom on condition that there is no offence against public order or morals.

A list of the institutions referred to in this letter shall be drawn up as soon as possible in agreement between the Egyptian Government and the Government of the United Kingdom.

I have the honour to be, Sir,

Your obedient servant,

Moustapha EL-NAHAS

*President of the Egyptian Delegation.*

*Reply by the President of the Delegation of the United Kingdom to the President of the Egyptian Delegation.*

MONTREUX, May 8th, 1937.

SIR,

I have the honour to acknowledge the receipt of Your Excellency's letter of to-day's date. It is with pleasure that I note the assurances contained therein on the subject of the régime which will in future govern the educational, medical and charitable institutions (associations or foundations) of the United Kingdom in Egypt.

I thank Your Excellency for these assurances which are received with much satisfaction. I do not doubt moreover that Egypt, which has always shown a benevolent interest in the work of these institutions and has given proof of the most liberal spirit of understanding towards them, will continue to facilitate the useful activities which they have always exercised to the mutual profit of our two countries.

I have the honour to be, Sir,

Your obedient servant,

EUAN WALLACE

*President of the Delegation of the United Kingdom.*

*c) Lettre du Président de la délégation égyptienne au Président de la délégation espagnole.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

J'ai l'honneur de déclarer que les institutions relevant de l'Espagne en Egypte feront l'objet, de la part du Gouvernement égyptien, du même traitement que celui qui est indiqué dans la lettre adressée au Président de la délégation du Royaume-Uni en ce qui concerne les institutions similaires du Royaume-Uni et aux mêmes conditions.

Veuillez agréer, Monsieur le Président, les assurances de ma haute considération.

Moustapha EL-NAHAS,  
*Président de la délégation égyptienne.*

[Translation]

*c) Letter from the President of the Egyptian delegation to the President of the Spanish delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to declare that the institutions of Spain in Egypt will be subject on the part of the Egyptian Government to the same treatment as that which is indicated in the letter addressed to the president of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom, and under the same conditions.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,  
*President of the Egyptian delegation.*

*Réponse du Président de la délégation espagnole au Président de la délégation égyptienne.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

J'ai l'honneur d'accuser réception à Votre Excellence de la lettre suivante qu'Elle a bien voulu m'adresser en date d'aujourd'hui:

«J'ai l'honneur de déclarer que les institutions relevant de l'Espagne en Egypte feront l'objet, de la part du Gouvernement égyptien, du même traitement que celui qui est indiqué dans la lettre adressée au Président de la délégation du Royaume-Uni en ce qui concerne les institutions similaires du Royaume-Uni et aux mêmes conditions.»

En remerciant Votre Excellence de cette obligeante communication dont je prends acte au nom de mon Gouvernement, je saisis cette occasion pour réitérer à Votre Excellence les assurances de ma haute considération.

A. Fabra RIBAS,  
*Président de la délégation espagnole.*

[Translation]

*Reply of the President of the Spanish delegation to the President of the Egyptian delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt from Your Excellency of the following letter which you were good enough to address to me today:

"I have the honor to declare that the institutions of Spain in Egypt will be subject on the part of the Egyptian Government to the same treatment as that which is indicated in the letter addressed to the president of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom, and under the same conditions."

In thanking Your Excellency for this kind communication which I acknowledge in the name of my Government, I avail myself of this occasion to repeat to Your Excellency the assurances of my high consideration.

A. FABRA RIBAS,  
*President of the Spanish delegation.*

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*d) Lettre du Président de la délégation égyptienne au Président de la délégation française.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

Votre Excellence ayant exprimé le désir de recevoir des précisions en ce qui concerne la situation en Egypte des établissements (associations ou fondations) scolaires, médicaux et d'assistance relevant de la France, j'ai l'honneur de déclarer que le Gouvernement royal égyptien est disposé à reconnaître que les établissements précités existant à la date de la Convention signée ce jour et mentionnés dans la liste ci-annexée, pourront, jusqu'à la conclusion d'un accord ultérieur et, éventuellement, durant la période transitoire, continuer à exercer librement leur activité, qu'elle ait un objet pédagogique ou scientifique, d'hospitalisation ou d'assistance, en Egypte, aux conditions suivantes:

1° Ils seront justiciables des tribunaux mixtes et soumis aux lois et règlements égyptiens, y compris les lois fiscales, dans les mêmes conditions que les établissements similaires égyptiens, ainsi qu'à toute mesure qu'exigerait l'observation de l'ordre public égyptien.

2° Ils garderont leur capacité légale et seront régis, au point de vue de leur organisation et de leur fonctionnement, par leurs actes constitutifs ou par leur statut propre ainsi que, pour ce qui concerne les établissements scolaires, par leurs programmes d'enseignement.

3° Ils pourront, sans préjudice des lois d'expropriation pour cause d'utilité publique, posséder les biens meubles et immeubles qui leur permettent de réaliser leurs fins, les gérer et en disposer en vue également de ces fins.



4° Ils pourront continuer à employer leur personnel actuel, de même qu'ils pourront employer, dans les limites de leur organisation, soit des Egyptiens soit des étrangers établis ou non en Egypte, sans préjudice, dans tous les cas, des lois égyptiennes actuellement applicables et du droit général de contrôle du Gouvernement royal égyptien sur l'entrée des étrangers en Egypte.

D'autre part, dans les limites des usages établis en Egypte pour les religions autres que la religion d'Etat, la libre pratique du culte continuera à être assurée aux établissements religieux relevant de la France à la condition qu'il ne soit pas porté atteinte à l'ordre public et aux bonnes mœurs.

Veuillez agréer, Monsieur le Président, les assurances de ma haute considération.

Moustapha EL-NAHAS

*Président de la délégation égyptienne.*

#### ANNEXE

La liste à arrêter d'un commun accord entre le Gouvernement français et le Gouvernement égyptien comprendra notamment:

- 1° Institut français d'archéologie orientale.
- 2° Ecole française de droit du Caire.
- 3° Etablissements de la Mission laïque française.
- 4° Etablissements d'enseignement appartenant à des congrégations religieuses.
- 5° Cours de l'Alliance française et autres organisations d'enseignement.
- 6° Couvents et séminaires.
- 7° Institutions paroissiales, épiscopales et patriarcales.
- 8° Hôpitaux, asiles, dispensaires et crèches.

[Translation]

*d) Letter from the President of the Egyptian delegation to the President of the French delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of France in Egypt, I have the honor to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or, in any case until the end of the transition period, all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including

fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of France on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,  
*President of the Egyptian delegation.*

#### ANNEX

The list to be drawn up by common agreement between the French Government and the Egyptian Government shall include in particular:

1. French Institute of Oriental Archaeology.
2. French Law School at Cairo.
3. Establishments of the French lay mission.
4. Educational institutions belonging to religious congregations.
5. Courses of l'Alliance Française and other educational organizations.
6. Convents and seminaries.
7. Parish, episcopal and patriarchal institutions.
8. Hospitals, asylums, dispensaries, and crèches.

*Réponse du Président de la délégation française au Président de la délégation égyptienne.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

J'ai l'honneur d'accuser réception à Votre Excellence de Sa lettre en date de ce jour. Il m'est bien agréable d'y trouver des assurances au sujet du régime dont bénéficieront désormais en Egypte les établissements (associations ou fondations) scolaires, médicaux et d'assistance qui relèvent de la France.

C'est avec satisfaction que j'en remercie Votre Excellence. Je ne doute d'ailleurs pas que l'Égypte, qui a toujours marqué un intérêt bienveillant à ces œuvres et fait preuve, à leur égard, du plus libéral esprit de compréhension, ne veuille continuer à leur faciliter l'activité si heureuse qu'elles n'ont cessé de déployer au profit mutuel de nos deux pays.

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de ma haute considération.

F. DE TESSAN

*Président de la délégation française.*

[Translation]

*Reply from the President of the French delegation to the President of the Egyptian delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of France in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

F. DE TESSAN,

*President of the French delegation.*

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*d) Lettre du Président de la délégation égyptienne au Président de la délégation hellénique.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

Votre Excellence ayant exprimé le désir de recevoir des précisions en ce qui concerne la situation en Égypte des établissements (associations ou fondations) scolaires, médicaux et d'assistance relevant de la Grèce, j'ai l'honneur de déclarer que le Gouvernement royal égyptien est disposé à reconnaître que les établissements précités existant à la date de la Convention signée ce jour et mentionnés dans la liste ci-annexée, pourront, jusqu'à la conclusion d'un accord ultérieur et, éventuellement, durant la période transitoire, continuer à exercer librement leur activité, qu'elle ait un objet pédagogique ou scientifique, d'hospitalisation ou d'assistance, en Égypte, aux conditions suivantes:

1° Ils seront justiciables des tribunaux mixtes et soumis aux lois et règlements égyptiens, y compris les lois fiscales, dans les mêmes

conditions que les établissements similaires égyptiens, ainsi qu'à toute mesure qu'exigerait l'observation de l'ordre public égyptien.

2° Ils garderont leur capacité légale et seront régis, au point de vue de leur organisation et de leur fonctionnement, par leurs actes constitutifs ou par leur statut propre ainsi que, pour ce qui concerne les établissements scolaires, par leurs programmes d'enseignement.

3° Ils pourront, sans préjudice des lois d'expropriation pour cause d'utilité publique, posséder les biens meubles et immeubles qui leur permettent de réaliser leurs fins, les gérer et en disposer en vue également de ces fins.

4° Ils pourront continuer à employer leur personnel actuel, de même qu'ils pourront employer, dans les limites de leur organisation, soit des Egyptiens soit des étrangers établis ou non en Egypte, sans préjudice, dans tous les cas, des lois égyptiennes actuellement applicables et du droit général de contrôle du Gouvernement égyptien sur l'entrée des étrangers en Egypte.

D'autre part, dans les limites des usages établis en Egypte pour les religions autres que la religion d'Etat, la libre pratique du culte continuera à être assurée aux établissements religieux relevant de la Grèce à la condition qu'il ne soit pas porté atteinte à l'ordre public et aux bonnes mœurs.

Veuillez agréer, Monsieur le Président, les assurances de ma haute considération.

Moustapha EL-NAHAS,  
*Président de la délégation égyptienne.*

#### ANNEXE

Cette liste a un caractère provisoire et est destinée à être remplacée par une liste définitive établie d'un commun accord.

#### I. ASSOCIATIONS DE DROIT PRIVÉ DÉNOMMÉES « COMMUNAUTÉS HELLÉNIQUES ».

1° *Alexandrie*. L'association possède et gère : onze écoles (primaires et secondaires, classiques et commerciales) soit de filles soit de garçons ; b) cinq églises ; c) un cimetière ; d) un asile de vieillards ; e) un hôpital ; f) une cuisine populaire.

2° *Le Caire*. L'association du Caire possède et gère : a) une école complète de filles, une école primaire de garçons et une école primaire de filles ; b) deux églises ; c) un hôpital. — Il est à noter, en outre, que la colonie hellène de cette circonscription est intéressée de manière très importante à la Fondation « Abet » et participe à son administration.

3° *Mansourah*. L'association possède et gère une école primaire et une école secondaire, une église et un cimetière.

4° *Assouan*. L'association possède et gère une église et une école primaire.

5° *Benha*. L'association possède et gère une église et une école primaire.

6° *Beni Suef*. L'association possède et gère une église, un cimetière avec chapelle et une école élémentaire.

7° *Assiout*. L'association possède et gère une église et une école primaire.

8° *Damanhour*. L'association possède et gère une église et une école primaire.

9° *Zagazig*. L'association possède et gère une église, une école primaire, une école secondaire, un cimetière avec chapelle.

10° *Zifteh*. L'association possède et gère une église et une école primaire.

11° *Zeitoun*. L'association possède et gère une église et une école primaire.

12° *Héliopolis*. L'association possède et gère une école primaire.

13° *Ismailieh*. L'association possède et gère deux églises et une école primaire.

14° *Kafr el Zayat*. L'association possède et gère une église et une école primaire.

15° *Kantara*. L'association possède et gère une église et une école primaire.

16° *Minieh*. L'association de Minieh possède et gère une église, une école primaire, un cimetière avec chapelle.

17° *Minet el Gamh*. L'association possède et gère une église et une école primaire.

18° *Marsa Matrouh*. L'association possède et gère une église, une chapelle et une école primaire.

19° *Mehallet el Kébir*. L'association possède et gère une église et une école primaire logée dans un immeuble, propriété du Gouvernement hellénique.

20° *Mit Ghamr*. L'association possède et gère une église et une école primaire.

21° *Port-Saïd*. L'association possède et gère deux églises, une école primaire et une école supérieure à Port-Saïd et également une école primaire et une école supérieure à Port-Fouad.

22° *Shibin el Qom*. L'association possède et gère une église et une école primaire.

23° *Ibrahimieh* (faubourg d'Alexandrie). L'association possède et gère une école primaire de garçons, une école primaire de filles et deux églises.

24° *Suez*. L'association possède et gère deux églises, une école primaire et une école supérieure à Suez; elle possède et gère aussi à Port-Tewfik une école primaire, une école supérieure et une église.

25° *Tantah*. L'association possède et gère une église, un cimetière avec chapelle, une école primaire et une école secondaire.

26° *Facous*. L'association possède et gère une église et une école primaire.

27° *Fayoum*. L'association possède et gère deux églises et une école primaire.

28° *Helouan*. L'association possède et gère une église et une école primaire.

29° *Kafr el Daouar*. L'association possède et gère une chapelle.

NOTA.—Plusieurs de ces associations possèdent un cimetière.

## II. AUTRES ETABLISSEMENTS (FONDATIONS OU ASSOCIATIONS).

a) *Alexandrie.*

- 1° Association Eschyle-Arion, laquelle possède et gère une école primaire et un orphelinat de garçons (Kaniskérion) avec une église.
- 2° Fondation Bénachion, orphelinat de jeunes filles avec église.
- 3° Union de dames hellènes «*Mana*» qui possède et gère une crèche et un orphelinat mixte.
- 4° Club nautique hellénique.
- 5° Hôpital Cotsicas, propriété du Gouvernement hellénique, géré par la «*Communauté hellénique d'Alexandrie*».
- 6° Ligue nationale des dames hellènes qui possède et gère l'asile «*Zerbinion*».
- 7° Association de bienfaisance «*Philoptochos*».
- 8° Association de bienfaisance «*Eleimosini*».
- 9° Association «*Les amis des vieillards*».
- 10° Association de jeunes filles «*Melissa*» (bienfaisance).
- 11° Association des anciens élèves des écoles de la Communauté hellénique d'Alexandrie.

b) *Le Caire.*

- 1° Orphelinat pour garçons et filles sis à Héliopolis, fondation des époux G. Spétséropoulos, dénommé «*Spétséropoulion*».
- 2° Cuisine économique, fondation charitable.
- 3° Association de bienfaisance «*Philoptochos*».
- 4° Union philanthropique des dames hellènes.

c) *Ibrahimiéh.*

- 1° Fondation charitable (cuisine économique).
- 2° Association de bienfaisance «*Philoptochos*».

Des associations charitables dénommées «*Philoptochos*» (amis des pauvres) existent également dans les localités suivantes: Zagazig, Tantah, Kafr el Zayat, Mansourah, Port-Saïd, Ismailieh, Suez, Damanhour.

Enfin, dans les localités de: 1° Deirut, 2° Tahtah, 3° Cherbin et 4° Belkas, il existe quatre chapelles du rite orthodoxe grec, fondées et entretenues par les Hellènes qui y habitent.

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En recevant de la délégation hellénique la liste ci-dessus, la délégation égyptienne a déclaré ne pouvoir y donner son assentiment avant d'en avoir fait l'examen détaillé auquel elle se réserve de procéder dès son retour en Egypte à l'effet de s'assurer

a) qu'il n'y est compris aucun établissement reconnu comme national égyptien;

b) que les établissements qui y sont énumérés rentrent dans les catégories convenues dans la lettre à laquelle la liste est annexée.

M. N.

[Translation]

*d) Letter from the President of the Egyptian delegation to the President of the Hellenic delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of Greece in Egypt, I have the honor to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or in any case until the end of the transition period all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of Greece on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,  
*President of the Egyptian delegation.*

## ANNEX

This list has a provisional character and is to be replaced by a definitive list drawn up by common agreement.

## I. ASSOCIATIONS OF PRIVATE LAW DENOMINATED "HELLENIC COMMUNITIES"

1. *Alexandria*. The association possesses and administers: eleven schools (primary and secondary, classical and commercial), whether for girls or for boys; (b) five churches; (c) a cemetery; (d) an old men's home; (e) a hospital; (f) people's kitchen.

2. *Cairo*. The Cairo association possesses and administers: (a) a complete school for girls, a primary school for boys and a primary school for girls; (b) two churches; (c) a hospital.—It is to be noted also that the Hellenic Colony of this district has a very important interest in the Abet Foundation, and takes part in its administration.

3. *Mansourah*. The association possesses and administers a primary school and a secondary school, a church and a cemetery.

4. *Assouan*. The association possesses and administers a church and a primary school.

5. *Benha*. The association possesses and administers a church and a primary school.

6. *Beni Suef*. The association possesses and administers a church, a cemetery with a chapel and an elementary school.

7. *Assiout*. The association possesses and administers a church and a primary school.

8. *Damanhour*. The association possesses and administers a church and a primary school.

9. *Zagazig*. The association possesses and administers a church, a primary school, a secondary school and a cemetery with chapel.

10. *Zifteh*. The association possesses and administers a church and a primary school.

11. *Zeitoun*. The association possesses and administers a church and a primary school.

12. *Heliopolis*. The association possesses and administers a primary school.

13. *Ismailieh*. The association possesses and administers two churches and a primary school.

14. *Kafr el Zayat*. The association possesses and administers a church and a primary school.

15. *Kantara*. The association possesses and administers a church and a primary school.

16. *Minieh*. The association of Minieh possesses and administers a church, a primary school and a cemetery with chapel.

17. *Minet el Gamh*. The association possesses and administers a church and a primary school.

18. *Marsa Matruh*. The association possesses and administers a church, a chapel and a primary school.



19. *Mehallet el Kebir*. The association possesses and administers a church and a primary school, situated in a building which is owned by the Hellenic Government.

20. *Mit Ghamr*. The association possesses and administers a church and a primary school.

21. *Port-Saïd*. The association possesses and administers two churches, a primary school and a superior school at Port-Saïd and likewise a primary school and a superior school at Port-Fouad.

22. *Shibin el Qom*. The association possesses and administers a church and a primary school.

23. *Ibrahimiéh*. (Suburb of Alexandria). The association possesses and administers a primary school for boys, a primary school for girls and two churches.

24. *Suez*. The association possesses and administers two churches, a primary school and a superior school at Suez; it possesses and administers also at Port-Tewfik a primary school, a superior school and a church.

25. *Tantah*. The association possesses and administers a church, a cemetery with chapel, a primary school and a secondary school.

26. *Facous*. The association possesses and administers a church and a primary school.

27. *Fayoum*. The association possesses and administers two churches and a primary school.

28. *Helouan*. The association possesses and administers a church and a primary school.

29. *Kafr el Daouar*. The association possesses and administers a chapel.

NOTE.—Several of these associations possess a cemetery.

## II. OTHER ESTABLISHMENTS (FOUNDATIONS OR ASSOCIATIONS)

### a) *Alexandria*.

1. The Eschylus-Arion Association which possesses and administers a primary school and a boys' orphanage (Kaniskerion) with a church.

2. Benachion Foundation, an orphanage for young girls (with church).

3. Union of Hellenic Ladies, "Mana", which possesses and administers a crèche and a mixed orphanage.

4. Hellenic Nautical Club.

5. Cotsicas Hospital, property of the Hellenic Government, administered by the "Hellenic Community of Alexandria".

6. National League of Hellenic Ladies which possesses and administers the asylum "Zerbinion".

7. "Philoptochos" Charitable Association.

8. "Eleimosini" Charitable Association.

9. The association "Friends of the Old".

10. The "Melissa" association of young girls (charity).

11. Association of former pupils of the schools of the Hellenic community of Alexandria.

b) *Cairo*.

1. Orphanage for boys and girls situated at Héliopolis, founded by the spouses, G. Spétséropoulos, denominated the "Spétséropoulion."
2. Cheap kitchen, a charitable foundation.
3. "Philoptochos" charity association.
4. Philanthropic Union of Hellenic Ladies.

c) *Ibrahimieh*.

1. The Charitable Foundation (cheap kitchen).
2. "Philoptochos" Charitable Association.

Charitable associations called "Philoptochos" (friends of the poor) exist likewise in the following localities: Zagazig, Tantah, Kafr el Zayat, Mansourah, Port-Said, Ismailieh, Suez, Damanhour.

Lastly, in the localities of: 1. Deirut; 2. Tahtah; 3. Cherbin, and 4. Belkas; there are four chapels of the Orthodox Greek rite, founded and maintained by the Hellenes who live there.

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In receiving from the Hellenic delegation the above list, the Egyptian delegation has declared that it could not give its assent thereto before having made the detailed examination which it reserves the right to make as soon as it returns to Egypt for the purpose of assuring itself:

a) That there is included therein no establishment recognized as a national Egyptian one;

b) That the establishments enumerated therein belong to the categories agreed upon in the letter to which it is annexed.

M. N.

*Réponse du Président de la délégation hellénique au Président de la délégation égyptienne.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

J'ai l'honneur d'accuser réception à Votre Excellence de Sa lettre en date de ce jour. Il m'est bien agréable d'y trouver des assurances au sujet du régime dont bénéficieront désormais en Egypte les établissements (associations ou fondations) scolaires, médicaux et d'assistance qui relèvent de la Grèce.

C'est avec satisfaction que j'en remercie Votre Excellence. Je ne doute d'ailleurs pas que l'Egypte, qui a toujours marqué un intérêt bienveillant à ces œuvres et fait preuve, à leur égard, du plus libéral esprit de compréhension, ne veuille continuer à leur faciliter l'activité si heureuse qu'elles n'ont cessé de déployer au profit mutuel de nos deux pays.

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de ma haute considération.

N. POLITIS

*Président de la délégation hellénique.*

[Translation]

*Reply of the President of the Hellenic delegation to the President of the Egyptian delegation.*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of Greece in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

N. POLITIS,  
*President of the Hellenic delegation.*

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*e) Lettre du Président de la délégation égyptienne au Président de la délégation italienne.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

Votre Excellence ayant exprimé le désir de recevoir des précisions en ce qui concerne la situation en Egypte des établissements (associations ou fondations) scolaires, médicaux et d'assistance relevant de l'Italie, j'ai l'honneur de déclarer que le Gouvernement royal égyptien est disposé à reconnaître que les établissements précités existant à la date de la Convention signée ce jour et mentionnés dans la liste ci-annexée pourront, jusqu'à la conclusion d'un accord ultérieur et, éventuellement, durant la période transitoire, continuer à exercer librement leur activité, qu'elle ait un objet pédagogique ou scientifique, d'hospitalisation ou d'assistance, en Egypte, aux conditions suivantes:

1° Ils seront justiciables des tribunaux mixtes et soumis aux lois et règlements égyptiens, y compris les lois fiscales, dans les mêmes conditions que les établissements similaires égyptiens ainsi qu'à toute mesure qu'exigerait l'observation de l'ordre public égyptien.

2° Ils garderont leur capacité légale et seront régis, au point de vue de leur organisation et de leur fonctionnement, par leurs actes constitutifs ou par leur statut propre ainsi que, pour ce qui concerne les établissements scolaires, par leurs programmes d'enseignement.

3° Ils pourront, sans préjudice des lois d'expropriation pour cause d'utilité publique, posséder les biens meubles et immeubles qui leur permettent de réaliser leurs fins, les gérer et en disposer en vue également de ces fins.

4° Ils pourront continuer à employer leur personnel actuel, de même qu'ils pourront employer, dans les limites de leur organisation, soit des Egyptiens soit des étrangers établis ou non en Egypte, sans préjudice, dans tous les cas, des lois égyptiennes actuellement applicables et du droit général de contrôle du Gouvernement égyptien sur l'entrée des étrangers en Egypte.

D'autre part, dans les limites des usages établis en Egypte pour les religions autres que la religion d'Etat, la libre pratique du culte continuera à être assurée aux établissements religieux relevant de l'Italie à la condition qu'il ne soit pas porté atteinte à l'ordre public et aux bonnes mœurs.

Veuillez agréer, Monsieur le Président, les assurances de ma haute considération.

Moustapha EL-NAHAS  
*Président de la délégation égyptienne.*

#### LISTE PROVISOIRE

La liste définitive à arrêter d'un commun accord entre le Gouvernement italien et le Gouvernement égyptien comprendra notamment:

- 1° les «Regie Scuole Italiane»;
- 2° les «Scuole dell'Associazione Nazionale Italica Gens» avec les immeubles destinés aux religieux qui les gèrent;
- 3° les hôpitaux, asiles et crèches;
- 4° les Oeuvres dépendantes du Fascio destinées à l'assistance pécuniaire ou spirituelle en tant qu'elles s'occupent d'assistance à l'exclusion d'autres activités.
- 5° les institutions épiscopales et paroissiales, couvents et séminaires.

[Translation]

*e) Letter from the President of the Egyptian delegation to the President of the Italian delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

Your Excellency, having expressed the desire to receive detailed information concerning the situation of the educational, medical and charitable institutions (associations or foundations) of Italy in Egypt, I have the honor to state that the Royal Egyptian Government is prepared to assure you that pending the conclusion of a subsequent agreement or in any case until the end of the transition period all the above-mentioned institutions existing in the country at the date of the Convention signed this day, and mentioned in the list annexed hereto, may continue freely to carry on their activities in Egypt, whether educational, scientific, medical or charitable, subject to the following conditions:

1. They shall be subject to the jurisdiction of the Mixed Tribunals and shall be subject to Egyptian laws and regulations, including fiscal laws, under the same conditions as similar Egyptian institutions, and also to all measures necessary for the preservation of public order in Egypt.

2. They shall retain their legal status and shall, as regards their organization and operation, be governed by their charters or by their own by-laws and also in the case of educational institutions by their own curricula.

3. They may, without prejudice to the laws relating to expropriation for purposes of public utility, possess the movable and immovable property necessary to enable them to attain their objects, and may administer and dispose of their property for these purposes.

4. They may continue to employ their existing staff and may also, within the scope of their organization, employ either Egyptians or foreigners, whether established in Egypt or not, without prejudice in all cases to the application of the Egyptian laws which are now applicable to them or to the Egyptian Government's general right of supervision over the entry of foreigners into Egypt.

Furthermore within the limits of the customs established in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to the religious institutions of Italy on condition that there is no offense against public order or good morals.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,  
*President of the Egyptian delegation.*

#### PROVISIONAL LIST

The definitive list to be drawn up by common agreement between the Italian Government and the Egyptian Government will include in particular:

1. The "Royal Italian Schools";
2. The "Schools of the National Association Italica Gens", with the buildings used by the monks who administer them;
3. Hospitals, asylums and crèches;
4. The charitable works dependent on the Fascio intended for pecuniary or spiritual assistance in so far as they are occupied with assistance to the exclusion of other activities.
5. Episcopal and parish institutions, convents and seminaries.

*Réponse du Président de la délégation italienne au Président de la délégation égyptienne.*

MONSIEUR LE PRÉSIDENT,

MONTREUX, le 8 mai 1937.

J'ai l'honneur d'accuser réception à Votre Excellence de Sa lettre en date de ce jour. Il m'est bien agréable d'y trouver des assurances au sujet du régime dont bénéficieront désormais en Egypte les établissements (associations ou fondations) scolaires, médicaux et d'assistance qui relèvent de l'Italie.

C'est avec satisfaction que j'en remercie Votre Excellence. Je ne doute d'ailleurs pas que l'Egypte, qui a toujours marqué un intérêt bienveillant à ces œuvres et fait preuve, à leur égard, du plus libéral esprit de compréhension, ne veuille continuer à leur faciliter l'activité

si heureuse qu'elles n'ont cessé de déployer au profit mutuel de nos deux pays.

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de ma haute considération.

L. ALDROVANDI

*Président de la délégation italienne.*

[Translation]

*Reply of the President of the Italian delegation to the President of the Egyptian delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge the receipt of Your Excellency's letter bearing to-day's date. I welcome the assurances which it contains with regard to the régime to be enjoyed henceforth by the educational, medical and charitable institutions (associations or foundations) of Italy in Egypt.

I have great pleasure in thanking Your Excellency. I do not doubt, moreover, that Egypt, which has always shown a sympathetic interest in such undertakings and has given proof of the most liberal spirit of understanding in regard to them, will continue to assist them in carrying on the very valuable work which they have always performed to the mutual profit of our two countries.

I avail myself of this occasion to renew to Your Excellency the assurances of my high consideration.

L. ALDROVANDI,

*President of the Italian delegation.*

*h) Lettre du Président de la délégation égyptienne au Président de la délégation néerlandaise.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

J'ai l'honneur de déclarer que les institutions relevant des Pays-Bas en Egypte feront l'objet, de la part du Gouvernement égyptien, du même traitement que celui qui est indiqué dans la lettre adressée au Président de la délégation du Royaume-Uni en ce qui concerne les institutions similaires du Royaume-Uni et aux mêmes conditions.

Veuillez agréer, Monsieur le Président, les assurances de ma haute considération.

Moustapha EL-NAHAS

*Président de la délégation égyptienne.*

[Translation]

*h) Letter from the President of the Egyptian delegation to the President of the Netherland delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to state that the institutions of the Netherlands, in Egypt, will receive on the part of the Egyptian Government the

same treatment as that which is indicated in the letter addressed to the President of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom and under the same conditions.

Please accept, Mr. President, the assurances of my high consideration.

MOUSTAPHA EL-NAHAS,  
*President of the Egyptian delegation.*

*Réponse du Président de la délégation néerlandaise au Président de la délégation égyptienne.*

MONTREUX, le 8 mai 1937.

MONSIEUR LE PRÉSIDENT,

J'ai l'honneur d'accuser réception à Votre Excellence de la lettre suivante qu'Elle a bien voulu m'adresser en date d'aujourd'hui:

«J'ai l'honneur de déclarer que les institutions relevant des Pays-Bas en Egypte feront l'objet, de la part du Gouvernement égyptien, du même traitement que celui qui est indiqué dans la lettre adressée au Président de la délégation du Royaume-Uni en ce qui concerne les institutions similaires du Royaume-Uni et aux mêmes conditions.»

En remerciant Votre Excellence de cette obligeante communication dont je prends acte au nom de mon Gouvernement, je saisis cette occasion pour réitérer à Votre Excellence les assurances de ma haute considération.

W. C. BEUCKER ANDREAE,  
*Président de la délégation néerlandaise.*

[Translation]

*Reply from the President of the Netherland delegation to the President of the Egyptian delegation*

MONTREUX, May 8, 1937.

MR. PRESIDENT:

I have the honor to acknowledge receipt to Your Excellency of the following letter which you were good enough to address to me today:

"I have the honor to state that the institutions of the Netherlands, in Egypt, will receive on the part of the Egyptian Government the same treatment as that which is indicated in the letter addressed to the President of the delegation of the United Kingdom as regards the similar institutions of the United Kingdom and under the same conditions."

In thanking Your Excellency for this kind communication, of which I acknowledge receipt in the name of my Government, I avail myself of this occasion to repeat to Your Excellency the assurances of my high consideration.

W. C. BEUCKER ANDREAE,  
*President of the Netherland delegation.*

**Letters Concerning the Participation of Canada in the Conference***a) Letter from the High Commissioner for Canada in London to the President of the Conference.*

LONDON, April 14th, 1937.

SIR,

I have the honour on behalf of the Government of Canada to inform Your Excellency as President of the Capitulations Conference that in view of lack of any interest special to Canada, the Government of Canada have not considered Canadian representation in the present Conference to be necessary, and will accept the provisions of any Convention drawn up at Montreux which is signed and ratified in respect of other members of the British Commonwealth of Nations.

This acceptance by the Government of Canada is naturally on the understanding that Canada can claim under the Convention the same rights as those States in whose respect it has been signed and ratified.

I request Your Excellency that copies of this note be communicated to all the delegations at the Conference and recorded in the archives of the Conference.

I have the honour to be, Sir,  
Your obedient servant,

Vincent MASSEY.

*b) Reply by the President of the Conference to the High Commissioner for Canada in London.*

MONTREUX, April 19th, 1937.

SIR,

I have the honour to acknowledge receipt of your letter of April 14th, in which on behalf of the Government of Canada you were good enough to inform me, as President of the Capitulations Conference, of the reasons for the Government of Canada not being represented at the present Conference.

In compliance with the wish expressed in the last paragraph of your letter, I have circulated copies of your communication to all the delegations and have given instructions that it shall be recorded in the archives of the Conference.

I have the honour to be, Sir,  
Your obedient servant,

Moustapha EL-NAHAS.  
*President of the Conference.*



**Procès-Verbal**

DE DÉPÔT DE L'INSTRUMENT DE RATIFICATION DES ETATS-UNIS  
D'AMÉRIQUE SUR LA CONVENTION CONCERNANT L'ABOLITION DES  
CAPITULATIONS EN EGYPTÉ, SIGNÉE À MONTREUX LE 8 MAI 1937.

Conformément aux dispositions de l'article 15 de la Convention concernant l'Abolition des Capitulations en Egypte, signée à Montreux le 8 mai 1937, Son Excellence Monsieur Bert Fish Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats-Unis d'Amérique en Egypte, s'est présenté aujourd'hui au Ministère des Affaires Etrangères du Royaume d'Egypte, à l'effet de procéder au dépôt de l'instrument de ratification de Son Excellence Monsieur le Président des Etats-Unis d'Amérique sur la Convention précitée.

Cet instrument ayant été, après examen, trouvé en bonne et due forme, a été déposé dans les archives du Ministère des Affaires Etrangères du Royaume d'Egypte, pour y être conservé avec le présent procès-verbal.

Ledit dépôt sera notifié aux Etats parties à la Convention ainsi qu'à Monsieur le Secrétaire Général de la Société des Nations.

En procédant à ce dépôt, Son Excellence Monsieur Bert Fish, a déclaré par une lettre que son Gouvernement désire user de la faculté prévue à l'article 9 de la Convention et conserver ses Tribunaux Consulaires en Egypte à l'effet d'exercer la juridiction en matière de statut personnel dans tous les cas où la loi applicable est la loi nationale des Etats-Unis d'Amérique.

Fait en double exemplaire à Bulkeley, le 29 Août 1938

*Le Ministre des Affaires  
Etrangères*  
A. YEHIA

*Le Ministre des Etats-Unis  
d'Amérique*  
BERT FISH

*Le Directeur des Affaires  
Politiques et Commerciales p. i.*  
W. ROSTUM

[Translation]

**Procès-Verbal**

OF THE DEPOSIT OF THE INSTRUMENT OF RATIFICATION OF THE UNITED STATES OF AMERICA OF THE CONVENTION CONCERNING THE ABOLITION OF THE CAPITULATIONS IN EGYPT, SIGNED AT MONTREUX ON MAY 8, 1937.

In accordance with the provisions of Article 15 of the Convention concerning the Abolition of the Capitulations in Egypt, signed at Montreux on May 8, 1937, Mr. Bert Fish, Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Egypt, appeared today at the Ministry of Foreign Affairs of the Kingdom of Egypt for the purpose of proceeding to the deposit of the instrument of ratification of the President of the United States of America of the Convention above-mentioned.

This instrument having been examined and found in good and due form, has been deposited in the archives of the Ministry of Foreign Affairs of the Kingdom of Egypt to be preserved with the present proces-verbal.

The States which are parties to the Convention and the Secretary of the League of Nations will be notified of the said deposit.

In proceeding to this deposit, Mr. Bert Fish stated by a letter<sup>1</sup> that his Government desires to avail itself of the option provided by Article 9 of the Convention and to retain its Consular Courts in Egypt for the purpose of exercising jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the United States of America.

Done in duplicate at Bulkeley, August 29, 1938.

*The Minister of Foreign Affairs*

*The Minister of the United States  
of America*

A. YEHIA

BERT FISH

*The Director of Political and Commercial Affairs a. i.*

W. ROSTUM

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<sup>1</sup> *Post*, p. 1728.

**Letter From the American Minister to the Egyptian Minister of  
Foreign Affairs**

No. 550      LEGATION OF THE UNITED STATES OF AMERICA,  
[*Bulkeley,*] *Ramleh, August 29, 1938.*

**EXCELLENCY:**

With reference to the deposit this day of the ratification of the President of the United States of America of the Convention and annexed protocol, signed at Montreux on May 8, 1937, regarding the abolition of the capitulations in Egypt, I have the honor, in accordance with my instructions, to inform Your Excellency that as provided in Article 9 of the Convention, it is the intention of the Government of the United States of America to retain American Consular courts in Egypt for the purposes of jurisdiction in matters of personal status in all cases in which the law applicable is the national law of the United States of America.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

BERT FISH  
*American Minister*

His Excellency  
ABDEL FATTAH YEHIA PASHA,  
*Minister of Foreign Affairs,*  
*Cairo.*

## Suspension of Certain Jurisdiction of American Extraterritorial Courts in Egypt

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS by a Presidential proclamation issued on March 27, 1876, pursuant to the authority of the act of Congress approved March 23, 1874, the judicial functions theretofore exercised in Egypt by the minister, consuls, or other functionaries of the United States pursuant to the act of Congress approved June 22, 1860, were suspended, during the pleasure of the President, so far as the jurisdiction of certain Egyptian tribunals embraced matters cognizable by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before the date of the said proclamation;

51 Stat. 397.  
19 Stat. 662.  
18 Stat. 23.

12 Stat. 72.

WHEREAS at the time of the issuance of the said proclamation the jurisdiction of the said Egyptian tribunals did not extend to certain categories of cases within the jurisdiction of the minister, consuls, or other functionaries of the United States which were accordingly retained within the jurisdiction of, and have continued to the present time to be exercised by, those functionaries;

WHEREAS the Government of the United States and other governments concluded a convention with the Government of Egypt on May 8, 1937, providing for the termination of the capitulatory rights now enjoyed by the United States and other powers in Egypt and providing that, during the period October 15, 1937–October 14, 1949, the judicial functions now exercised by consular courts would be exercised by the Mixed Tribunals of Egypt, except as to personal status matters—as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to and forming a part of the said convention of May 8, 1937—with respect to which the said convention provides that the signatory governments may retain existing consular courts for the purpose of jurisdiction in cases involving the personal status of their respective nationals during the period October 15, 1937–October 14, 1949;

WHEREAS, pending the ratification of the said convention by the Government of the United States, it is in the interest of the United States to cooperate with the Government of Egypt and the other capitulatory powers by suspending the jurisdiction now exercised by the minister, consuls, or other functionaries of the United States in Egypt and consenting to the transfer of that jurisdiction to the Mixed Tribunals of Egypt, except jurisdiction in matters involving the personal status of citizens of the United States; and

WHEREAS satisfactory information has been received by me that the said Mixed Tribunals of Egypt are organized on a basis likely to secure to citizens of the United States in Egypt the impartial justice which they now enjoy under the judicial functions exercised by the minister, consuls, or other functionaries of the United States pursuant to the said act of Congress of June 22, 1860:

Now, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the power and authority conferred upon me by the said act of Congress approved March 23, 1874, do hereby suspend, effective October 15, 1937, during the pleasure of the President, the judicial functions now exercised by the minister, consuls, or other functionaries of the United States in Egypt, except as to cases actually commenced before October 15, 1937, and except as to matters involving the personal status of citizens of the United States as defined in article 28 of the *Règlement d'Organisation Judiciaire* annexed to the said convention of May 8, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 9th day of October, in the year of our Lord nineteen hundred and thirty-seven, and of [SEAL] the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2255]

*Treaty of friendship, commerce and navigation, final protocol and exchange of notes between the United States of America and Siam. Signed at Bangkok November 13, 1937; ratification advised by the Senate June 13, 1938; ratified by the President July 5, 1938; ratified by Siam March 4, 1938; ratifications exchanged at Bangkok October 1, 1938; proclaimed October 5, 1938. And related notes.*

November 13, 1937  
[T. S. No. 940]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS a Treaty of Friendship, Commerce and Navigation between the United States of America and the Kingdom of Siam, a Final Protocol thereto, and an Agreement in regard to monopolies, effected by an Exchange of Notes, were signed by the respective Plenipotentiaries of the United States of America and Siam at Bangkok on the thirteenth day of November, one thousand nine hundred and thirty-seven, which Treaty, Final Protocol and Exchange of Notes in the English language are word for word as follows:

Treaty of Friendship, Commerce and Navigation with Siam.  
Preamble.  
Post, pp. 1741, 1743.

### Treaty of Friendship, Commerce and Navigation Between the United States of America and Siam.

The United States of America and the Kingdom of Siam, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries:

Contracting Powers

THE PRESIDENT OF THE UNITED STATES OF AMERICA: Edwin L. Neville, Envoy Extraordinary and Minister Plenipotentiary of the United States of America;  
and

Plenipotentiaries

HIS MAJESTY THE KING OF SIAM: Luang Pradist Manudharm (Pridi Banomyong), Minister of Foreign Affairs;

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

#### ARTICLE 1.

There shall be constant peace and perpetual friendship between the United States of America and the Kingdom of Siam. The nationals of each of the High Contracting Parties shall be permitted

Declaration of peace and friendship.  
Reciprocal liberty of travel, residence, commerce, etc.

to enter, travel and reside in the territories of the other, to carry on their commerce and manufacture, to trade in all kinds of merchandise of lawful commerce, to engage in religious, educational and charitable work, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential, commercial, industrial, religious and charitable purposes, and for use as cemeteries, and generally to do anything incident to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence, submitting themselves to the laws and regulations there established.

Equality of taxes,  
etc.

They shall not be compelled, under any pretext whatsoever, to pay any internal charges or taxes other or higher than those that are or may be paid by nationals of the State of residence.

Protection of persons and property.

The nationals of each of the High Contracting Parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to nationals of the State of residence on their submitting themselves to the conditions imposed upon nationals of the State of residence. They shall also enjoy in this respect that degree of protection and security that is required by international law. Their property shall not be taken without due process of law or without payment of just compensation.

Exemption from military service, contributions, etc.

They shall be exempt in the territories of the other from compulsory military service on land, on sea, or in the air, in the regular forces, or in the national guard, or in the militia; from all contributions in money or in kind, imposed in lieu of personal military service, and from all forced loans or military contributions. They shall not be subjected, in time of peace or in time of war, to military requisitions except as imposed upon nationals.

Liberty of conscience and worship.

The nationals of each of the High Contracting Parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the local laws, ordinances and regulations, shall enjoy the right of private and public exercise of their worship.

Callings and professions.

In all that relates to callings and professions, the nationals of each of the High Contracting Parties shall throughout the whole extent of the territories of the other on condition of reciprocity be placed in all respects on the same footing as the nationals of the most favored nation. Furthermore, upon compliance with the provisions of local law, the nationals, including corporations, partnerships and associations of each of the High Contracting Parties, shall, in the territory of the other High Contracting Party, have the right to acquire, possess and dispose of every kind of movable property on the same terms as the nationals, including corporations, partnerships and associations, of such other Party.

Immovable property.

In all that relates to the acquisition, possession and disposition of immovable property the nationals, including corporations, partnerships, associations and other legal entities of each High Contracting Party shall in the territory of the other High Contracting Party

be subject exclusively to the applicable laws of the situs of such immovable property. The applicable laws of the situs of immovable property as herein used shall in reference to the nationals of Siam be understood and construed to mean the laws applicable to immovable property of the state, territory or possession of the United States of America in which such immovable property is situate; and nothing herein shall be construed to change, affect or abrogate the laws applicable to immovable property of any state, territory or possession of the United States of America.

It is expressly agreed that nationals of the United States of America, including corporations, partnerships and associations, who are legal residents of or are organized under the laws of any state, territory or possession of the United States of America which accords to nationals of Siam the right to acquire, possess and dispose of immovable property, shall, in return, be accorded all the rights respecting immovable property in Siam which are or may hereafter be accorded to the nationals, including corporations, partnerships or associations of any other country, upon the principle of non-discriminatory treatment.

The nationals, including corporations and associations, of either High Contracting Party shall enjoy in the territories of the other Party, upon compliance with the conditions there imposed, most-favored-nation treatment in respect of the exploration for and exploitation of mineral resources; provided that neither Party shall be required to grant rights and privileges in respect of the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain, or in respect of the ownership of stock in domestic corporations engaged in such operations, greater than its nationals, corporations and associations receive from the other Party. It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

Mining privileges.

Restriction.

## ARTICLE 2.

The dwellings, warehouses, manufactories, shops and other places of business and all other property of the nationals of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for any purposes set forth in Article 1 shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals of the State of residence.

Buildings and other property to be respected.

## ARTICLE 3.

The nationals of each of the High Contracting Parties, equally with those of the most favored nation, shall have liberty freely to

Freedom of commerce and navigation.



come with their ships and cargoes to all places, ports and rivers in the territories of the other which are or may be opened to foreign commerce and navigation, subject always to the laws of the country to which they thus come.

Most-favored-nation  
treatment of imports  
and exports.

Neither High Contracting Party shall establish or maintain prohibitions or restrictions on imports from or exports to the territories of the other Party which are not applied to the import and export of any like article originating in or destined for any other country. Any withdrawal of an import or export prohibition or restriction which is granted even temporarily by one of the High Contracting Parties in favor of any article originating in or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territories of the other Party.

Gold or silver ex-  
portation or importa-  
tion.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, measures prohibiting or restricting the exportation or importation of gold or silver, or measures for the prohibition or the control of the export, or sale for export, of arms, ammunition or implements of war, and, in exceptional circumstances, all other military supplies.

Arms, ammunition  
or implements of war.

Right of either Party  
to impose designated  
non-discriminatory  
restrictions.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, subject to the principle of non-discriminatory treatment:

Enforcement of po-  
lice or revenue laws.

(1) Prohibitions, restrictions or regulations for the enforcement of police or revenue laws, including laws prohibiting or restricting the importation, exportation, or sale of alcohol or alcoholic beverages or of opium, the coca leaf, their derivatives, and other narcotic drugs, as well as other laws imposed upon articles the internal production, consumption, sale or transport of which is or may be forbidden or restricted by the national law;

Alcoholic beverages,  
narcotics, etc.

Sanitary, etc., meas-  
ures.

(2) Prohibitions or restrictions necessary for the protection of national or public security or health, or for the protection of animal or plant life against disease, harmful pests or extinction;

State monopolies.

(3) Prohibitions or restrictions upon articles which, as regards production or trade, are or may hereafter be subject within the country to a monopoly exercised by or under the control of the State;

Prison-made goods.

(4) Prohibitions or restrictions relating to prison-made goods, or imposed on moral or humanitarian grounds.

Allotments of im-  
ports under quantita-  
tive restrictions.

If either High Contracting Party establishes or maintains import or customs quotas or other quantitative restrictions on the importation of any article in which the other High Contracting Party has an interest, or regulates the importation of any such article by means of licenses or permits, the High Contracting Party taking such action shall, upon request, inform the other High Contracting Party of the total quantity of any such article permitted to be imported and shall allot to the other High Contracting Party a share of the total permissible imports of such article equivalent to the proportion of the

total importation of such article which the other High Contracting Party supplied during a previous representative period, unless it is mutually agreed to dispense with such allotment.

If either High Contracting Party establishes or maintains directly or indirectly any form of control of the means of international payment it shall in this respect apply to the other High Contracting Party the most-favored-nation treatment.

Control of means of international payment.

#### ARTICLE 4.

The nationals of each of the High Contracting Parties shall have free access to the Courts of Justice of the other in pursuit and defense of their rights; they shall be at liberty, equally with nationals of the State of residence and with the nationals of the most favored nation, to choose and employ lawyers, advocates and representatives to pursue and defend their rights before such Courts.

Protection of legal rights.

There shall be imposed upon the nationals of either of the High Contracting Parties no conditions or requirements in connection with such access to the Courts of Justice of the other which do not apply to nationals of the State of residence or to the nationals of the most favored nation.

#### ARTICLE 5.

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and which maintain central offices within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the Courts of Justice, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

Rights of limited liability companies, etc.

The right of corporations and associations of either High Contracting Party which have been so recognized by the other to establish themselves in the territories of the other Party or to establish branch offices and fulfil their functions therein shall depend upon and be governed solely by the consent of such Party as expressed in its National, State or Provincial laws.

Right to establish branches.

#### ARTICLE 6.

The nationals and goods, products, wares and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and goods, products, wares and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks.

Internal taxes, transit duties, etc.

## ARTICLE 7.

Tonnage duties, etc.

No duties of tonnage, harbor, pilotage, lighthouse, quarantine or other similar or corresponding duties or charges of whatever nature or of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories or territorial waters of either country upon the vessels of the other country, which shall not equally and under the same conditions be imposed in the like cases on national vessels. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive and whatever may be their place of destination. In no case shall the treatment accorded to the vessels and cargoes of one of the Parties be less favorable than that accorded to the vessels and cargoes of any third State.

## ARTICLE 8.

Most-favored-nation treatment, duties on importation or exportation.

Each of the High Contracting Parties binds itself, in all that pertains to the amount and collection of duties and other charges on or in connection with importation or exportation, and with respect to all rules and formalities in connection with importation and exportation, and with respect to all laws or regulations affecting the sale, taxation, or use of imported goods within the country, to grant to the nationals, vessels or goods of the other the advantage of every favor, privilege or immunity which it accords or may hereafter accord to the nationals, vessels or goods of any other State, regardless of whether such other State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment.

Customs tariffs, regulation by country of importation.

It is understood that the Customs tariffs applicable to articles, the produce or manufacture of either of the High Contracting Parties imported into the territories of the other, shall be regulated by the laws of the country of importation.

## ARTICLE 9.

Patents, trademarks, etc.

The nationals of each of the High Contracting Parties shall have in the territories of the other the same rights as nationals of that High Contracting Party in regard to patents for inventions, trademarks, trade-names, designs and copyright in literary and artistic works, upon fulfilment of the formalities prescribed by law.

## ARTICLE 10.

Discharge of portions of cargoes at open ports.

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage

Loading.

outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that nationals and vessels of either High Contracting Party shall within the territories of the other Party enjoy with respect to the coasting trade most-favored-nation treatment.

Coasting trade, exception.

#### ARTICLE 11.

In all that concerns the entering, clearing, stationing, loading and unloading of vessels in the ports, basins, docks, roadsteads, harbors, or rivers of the two countries, no privilege shall be granted to vessels of a third Power which shall not equally be granted to vessels of the other country, the intention of the High Contracting Parties being that in these respects the vessels of each shall receive the treatment accorded to vessels of the most favored nation.

Most-favored-nation treatment of vessels of the other country.

#### ARTICLE 12.

Any ship of war or merchant vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port or place of the other shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels in like circumstances. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his cargo in order to defray expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

Ships of war or merchant vessels in distress.

If any ship of war or merchant vessel of one of the High Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall give prompt notice of the occurrence to the nearest Consular Officer of the other Party.

Stranded or wrecked vessels; notice to nearest Consular Officer of other Party.

Such stranded or wrecked ship or vessel and all parts thereof, and all equipment and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them.

Salvage provisions.

If such owners or agents are not on the spot, the aforesaid property or proceeds from the sale thereof and the papers found on board the vessel shall be delivered to the proper Consular Officer of the High Contracting Party whose vessel is wrecked or stranded, provided that such Consular Officer shall make claim within the period fixed by the laws, ordinances and regulations of the country in which the wreck or stranding has occurred; and such Consular Officer, owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck or stranding of a national vessel.

Duties of Consular Officer.

Customs duties on salvaged goods.

The goods and merchandise saved from the wreck or stranding shall be exempt from all duties of the customs unless cleared for consumption, in which case they shall pay ordinary duties.

Assistance to nationals of his State by Consular Officer.

In the case of a ship or vessel belonging to the nationals of one of the High Contracting Parties being driven in by stress of weather or by reason of any other distress, run aground or wrecked in the territories of the other, the proper Consular Officer of the High Contracting Party to which the vessel belongs, shall, if the owners or their agents are not present, or are present but request it, be permitted to interpose in order to afford appropriate assistance to the nationals of his State.

#### ARTICLE 13.

Privileges, etc., accorded vessels of war.

The vessels of war of each of the High Contracting Parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of any other nation are accorded access; and they shall submit to the same regulations and enjoy the same honors, advantages, privileges and exemptions as are now, or may hereafter be conceded to the vessels of war of any other nation.

#### ARTICLE 14.

Consular Officers or Agents, appointment.

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice Consuls and other Consular Officers or Agents to reside in the towns and ports of the territories of the other where similar officers of any other Power are permitted to reside.

Such Consular Officers and Agents, however, shall not enter upon their functions until they shall have been approved and admitted by the Government to which they are sent.

Powers, etc., conferred.

They shall be entitled on condition of reciprocity to exercise all the powers and enjoy all the honors, privileges, exemptions and immunities of every kind which are, or may be, accorded to Consular Officers of the most favored nation.

Acquisition of realty, etc.

The Government of each High Contracting Party shall have the right to acquire and own land and buildings required for diplomatic or consular premises in the territories of the other High Contracting Party and also to erect buildings in such territories for the purposes stated, subject to local building regulations.

Tax exemption, if used exclusively for governmental purposes.

Lands and buildings situated in the territories of either High Contracting Party of which the other High Contracting Party is the rightful owner and which are used exclusively for governmental purposes by that owner shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE 15.

Notice of death in one country of a national of the other.

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the

competent local authorities shall at once inform the nearest Consular Officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the Consular Officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such Consular Officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Where no will, etc., preservation of property until appointment of administrator.

In case of the death of a national of either of the High Contracting Parties without will or testament and without any known heirs resident in the country of his decease, the Consular Officer of the country of which the deceased was a national shall be appointed administrator of the estate of the deceased, provided the regulations of his own Government permit such appointment and provided such appointment is not in conflict with local law and the tribunal having jurisdiction has no special reasons for appointing someone else.

Where no known heirs resident in country; appointment of administrator.

Whenever a Consular Officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

Status of Consular Officer acting as administrator.

#### ARTICLE 16.

It is understood by the High Contracting Parties that the stipulations contained in this Treaty do not in any way affect, supersede, or modify any of the laws, ordinances and regulations with regard to naturalization, immigration, police and public security which are in force or which may be enacted in either of the two countries.

Domestic laws with regard to naturalization, etc., not affected.

#### ARTICLE 17.

The provisions of the present Treaty as regards the most-favored-nation treatment do not apply to:

Exceptions to most-favored-nation treatment.

- 1) Favors now granted or which may hereafter be granted to an adjoining State to facilitate frontier traffic;
- 2) Favors now granted or which may hereafter be granted to a third State in virtue of a Customs Union;
- 3) Favors now contractually granted or which may hereafter be contractually granted to a third State for the avoidance of double taxation or the mutual protection of revenue;

4) Favors now granted or which may hereafter be granted to an adjoining State with regard to navigation on or use of boundary waterways not navigable from the sea.

#### ARTICLE 18.

Former treaty superseded.

42 Stat. 1928.

The present Treaty shall, from the date of its entry into force, be substituted for the Treaty of Friendship, Commerce and Navigation between the United States of America and Siam signed at Washington on the 16th December 1920, and from this date the said Treaty of 1920 and all arrangements and agreements subsidiary thereto concluded or existing between the High Contracting Parties shall cease to be binding.

#### ARTICLE 19.

Areas included.

Exception.

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to include all areas of land and water over which the Parties, respectively, exercise dominion as sovereign thereof, except the Panama Canal Zone.

#### ARTICLE 20.

Date of entering into force; duration.

Termination.

Abrogated treaties, etc., not revived by termination.

The present Treaty shall enter into force in all of its provisions on the day of the exchange of ratifications and shall continue in force for the term of five years from that day.

If within one year before the expiration of five years from the day on which the present Treaty shall enter into force, neither High Contracting Party notifies to the other Party an intention of terminating the Treaty upon the expiration of the aforesaid period of five years, the Treaty shall remain in full force and effect after the aforesaid period and until one year from the day on which either of the High Contracting Parties shall have notified to the other Party an intention of terminating it.

It is clearly understood, however, that termination of the present Treaty as above provided for shall not have the effect of reviving any of the Treaties, Conventions, Arrangements, or Agreements abrogated by the present Treaty.

#### ARTICLE 21.

Ratification.

Signatures.

This Treaty shall be ratified, and the ratifications thereof shall be exchanged at Bangkok.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have hereunto signed their names and affixed their seals, this thirteenth day of November in the nineteen hundred and thirty seventh year of the Christian Era, corresponding to the thirteenth day of the eighth month in the two thousand four hundred and eightieth year of the Buddhist Era.

EDWIN L. NEVILLE

LUANG PRADIST MANUDHARM

[SEAL]

[SEAL]

## FINAL PROTOCOL

At the moment of proceeding this day to the signature of the Treaty of Friendship, Commerce and Navigation between the United States of America and the Kingdom of Siam, the two Plenipotentiaries have adopted the present Protocol which will have the same validity as if the ratification thereof were inserted in the text of the Treaty to which it refers:

1. It is understood that in all matters for which national treatment is provided in this Treaty, the nationals of each of the High Contracting Parties shall not be treated by the other less favorably than the nationals of any other country.

2. It is understood that the provisions of Article 6 shall not be deemed to preclude either of the High Contracting Parties from charging differing rates of license fees for the sale of imported spirituous liquors and of spirituous liquors manufactured by or under license from the State.

*Ante*, p. 1735.

3. It is understood that the provisions prescribing most-favored-nation treatment in this Treaty do not apply to any advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba, or to any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

4. It is understood that the payment of just compensation provided for in Article 1, paragraph 3, shall be determined by due process of law, without prejudice to redress, if any, according to international law.

*Ante*, p. 1732.

5. It is understood that the most-favored-nation treatment in respect of the control of the means of international payment provided for in the last paragraph of Article 3 of this Treaty shall be applied unconditionally, and that such control shall be administered so as not to influence to the disadvantage of the other High Contracting Party the competitive relationships between articles originating in the territories of such Party and similar articles originating in third countries and so as not to impair the operation of any other provisions of this Treaty.

*Ante*, p. 1735.

6. It is understood that in the application of the provisions of Article 7 Siam reserves the right to apply, in the matter of compulsory pilotage, the provisions of the Convention and Statute on the International Régime of Maritime Ports, signed at Geneva, December 9, 1923.

*Ante*, p. 1736.



7. It is understood that Siam reserves her national fisheries, which shall continue to be regulated by her national laws.

Signatures.

IN WITNESS WHEREOF the undersigned plenipotentiaries have hereunto signed their names and affixed their seals, this thirteenth day of November in the nineteen hundred and thirty seventh year of the Christian Era, corresponding to the thirteenth day of the eighth month in the two thousand four hundred and eightieth year of the Buddhist Era.

EDWIN L. NEVILLE

[SEAL]

LUANG PRADIST MANUDHARM

[SEAL]

## [EXCHANGE OF NOTES]

[*The Siamese Minister of Foreign Affairs (Manudharm) to the  
American Minister (Neville)*]

MINISTRY OF FOREIGN AFFAIRS,  
*Saranromya Palace, 13th November, 1937.*

MONSIEUR LE MINISTRE,

In regard to sub-paragraph 3 of paragraph 4 of Article 3 of the Treaty signed by us today, we have reached the following agreement which is to remain in force during the life of the Treaty:

In the event of the establishment of a monopoly for the importation, production, or sale of a particular commodity by the Government or by a private individual or organization under authority of the Government, my Government agrees that in respect of the foreign purchases of such monopoly the commerce of your country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favourable terms.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

LUANG PRADIST MANUDHARM

His Excellency Monsieur EDWIN L. NEVILLE,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
Bangkok.*

---

[*The American Minister (Neville) to the Siamese Minister of Foreign  
Affairs (Manudharm)*]

LEGATION OF THE UNITED STATES OF AMERICA

No. 15. *Bangkok, November 13, 1937.*

EXCELLENCY:

I have the honor to confirm Your Excellency's note of November 13, 1937, in which you state that in regard to sub-paragraph 3 of paragraph 4 of Article 3 of the Treaty signed by us today, we have reached the following agreement which is to remain in force during the life of the Treaty:

In the event of the establishment of a monopoly for the importation, production, or sale of a particular commodity by the Govern-

ment or by a private individual or organization under authority of the Government, my Government agrees that in respect of the foreign purchases of such monopoly the commerce of your country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDWIN L. NEVILLE  
*American Minister.*

His Excellency LUANG PRADIST MANUDHARM,  
*His Siamese Majesty's Minister of Foreign Affairs,*  
*Bangkok.*

Exchange of ratifications.

AND WHEREAS the said Treaty, Final Protocol and Agreement by Exchange of Notes have been duly ratified on the part of both the United States of America and Siam, and the ratifications of the two Governments were exchanged at Bangkok on the first day of October one thousand nine hundred and thirty-eight.

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty, Final Protocol and Exchange of Notes to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifth day of October, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## RELATED NOTES

*The Siamese Minister of Foreign Affairs (Manudharm) to the American Minister (Neville)*

MINISTRY OF FOREIGN AFFAIRS,  
Saranromya Palace, 13th November, 1937.

MONSIEUR LE MINISTRE,

Referring to Article 1 of the Treaty signed by us this day which provides among other things for the holding of real property in Siam by Americans, I have the honour to state that:

1. With respect to lands of which American nationals, partnerships, corporations, or associations are the rightful owners, whether or not they now possess papers of any kind, they may apply to have title papers issued in the regular way.

2. As to the lands held under lease from Government, the Siamese Government will not interrupt the possession by the missions as long as they continue to use the land for mission purposes.

3. It is understood that the Siamese Government is not identified with Wat administration; that is to say, the foregoing understanding must not be construed as a promise by the Government to interfere with lands held and claimed by religious authorities, whether Buddhists or of any other faith.

4. Of course, all mission lands are held subject to the exercise by the Siamese Government of the right of eminent domain.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

LUANG PRADIST MANUDHARM

His Excellency Monsieur EDWIN L. NEVILLE,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
Bangkok.*

*The American Minister (Neville) to the Siamese Minister of Foreign Affairs (Manudharm)*

LEGATION OF THE UNITED STATES OF AMERICA

No. 14.

*Bangkok, November 13, 1937.*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of November 13, 1937, in regard to Article 1 of the Treaty signed by us this day which provides among other things for the holding of real property in Siam by Americans, and to confirm that:

1. With respect to lands of which American nationals, partnerships, corporations, or associations are the rightful owners, whether

or not they now possess papers of any kind, they may apply to have title papers issued in the regular way.

2. As to the lands held under lease from Government, the Siamese Government will not interrupt the possession by the missions as long as they continue to use the land for mission purposes.

3. It is understood that the Siamese Government is not identified with Wat administration; that is to say, the foregoing understanding must not be construed as a promise by the Government to interfere with lands held and claimed by religious authorities, whether Buddhists or of any other faith.

4. All Mission Lands are held subject to the exercise by the Siamese Government of the right of eminent domain.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDWIN L. NEVILLE

*American Minister.*

HIS EXCELLENCY LUANG PRADIST MANUDHARM,

*His Siamese Majesty's Minister of Foreign Affairs,*

*Bangkok.*

*The Siamese Minister of Foreign Affairs (Manudharm) to the  
American Minister (Neville)*

MINISTRY OF FOREIGN AFFAIRS,

*Saranromya Palace, 13th November, 1937.*

MONSIEUR LE MINISTRE,

With reference to Article 1 of the Treaty of Friendship, Commerce and Navigation between Siam and the United States of America, signed this day, I have the honour to inform Your Excellency that it is the intention of the Siamese Government to grant to foreigners the right to acquire immovable property necessary for residential, commercial, industrial, religious and charitable purposes as well as for use as cemeteries, while the acquisition of lands of the public domain will be reserved for the subjects of Siam without prejudice however to the rights already acquired according to the laws and regulations at the coming into force of the new Treaty.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

LUANG PRADIST MANUDHARM

HIS EXCELLENCY MONSIEUR EDWIN L. NEVILLE,

*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,*

*Bangkok.*

*The American Minister (Neville) to the Siamese Minister of  
Foreign Affairs (Manudharm)*

LEGATION OF THE UNITED STATES OF AMERICA

No. 16.

*Bangkok, November 13, 1937.*

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of November 13, 1937, in which you were good enough to inform me that, with reference to Article 1 of the Treaty of Friendship, Commerce and Navigation between the United States of America and Siam, signed this day, it is the intention of the Siamese Government to grant to foreigners the right to acquire immovable property necessary for residential, commercial, industrial, religious and charitable purposes as well as for use as cemeteries, while the acquisition of lands of the public domain will be reserved for the subjects of Siam without prejudice however to the rights already acquired according to the laws and regulations at the coming into force of the new Treaty.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDWIN L. NEVILLE

*American Minister.*

HIS EXCELLENCY LUANG PRADIST MANUDHARM,

*His Siamese Majesty's Minister of Foreign Affairs,*

*Bangkok.*

June 2, 1934  
[T. S. No. 941]

*Convention between the United States of America and other powers for the protection of industrial property, revising the Paris convention of March 20, 1883, revised at Brussels on December 14, 1900, at Washington on June 2, 1911, and at The Hague on November 6, 1925. Signed at London June 2, 1934; ratification advised by the Senate June 5, 1935; ratified by the President June 27, 1935; ratification of the United States of America deposited at London July 12, 1935; proclaimed October 28, 1938.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Multilateral con-  
vention for the pro-  
tection of industrial  
property.  
Preamble.  
26 Stat. 1372; 32 Stat.  
1938; 38 Stat. 1646;  
47 Stat. 1789.

WHEREAS a convention revising the convention for the protection of industrial property signed at Paris on March 20, 1883, revised at Brussels on December 14, 1900, at Washington on June 2, 1911, and at The Hague on November 6, 1925, was signed by the respective plenipotentiaries of the United States of America and certain other countries at London on June 2, 1934, which convention in the French language is word for word as follows: <sup>1</sup>

### CONVENTION D'UNION DE PARIS DU 20 MARS 1883 POUR LA PROTECTION DE LA PROPRIÉTÉ INDUSTRIELLE, RÉVISÉE À BRUXELLES LE 14 DÉCEMBRE 1900, À WASHINGTON LE 2 JUIN 1911, À LA HAYE LE 6 NOVEMBRE 1925, ET À LONDRES LE 2 JUIN 1934.

LE Président du Reich allemand; le Président du Bundesstaat d'Autriche; Sa Majesté le Roi des Belges; le Président des États-Unis du Brésil; le Président de la République de Cuba; Sa Majesté le Roi de Danemark; le Président de la République d'Espagne; le Président des États-Unis d'Amérique; le Président de la République de Finlande; le Président de la République française; Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes; Son Altesse Sérénissime le Régent du Royaume de Hongrie; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Sérénissime le Prince de Liechtenstein; Sa Majesté le Sultan du Maroc; le Président des États-Unis du Mexique; Sa Majesté le Roi de Norvège; Sa Majesté la Reine des Pays-Bas; le Président de la République polonaise (au nom de la Pologne et de la Ville libre de Dantzig); le Président de la République portugaise; Sa Majesté le Roi de Suède; le Conseil fédéral de la Confédération suisse; le Président de la République tchécoslovaque; Son Altesse le Bey de Tunisie; le Président de la République turque; Sa Majesté le Roi de Yougoslavie,

<sup>1</sup> NOTE. For English translation see p. 1768.

Ayant jugé utile d'apporter certaines modifications et additions à la Convention internationale du 20 mars 1883, portant création d'une Union internationale pour la Protection de la Propriété industrielle, révisée à Bruxelles le 14 décembre 1900, à Washington le 2 juin 1911 et à La Haye le 6 novembre 1925, ont nommé pour leurs Plénipotentiaires, savoir:

*Le Président du Reich allemand:*

Son Excellence M. Leopold von Hoesch, Ambassadeur d'Allemagne à Londres.

M. Georg Klauer, Président du Bureau des Brevets.

M. Wolfgang Kühnast, Geh. Justizrat, Directeur au Bureau des Brevets.

M. Herbert Kühnemann, Landgerichtsrat au Ministère de la Justice.

*Le Président du Bundesstaat d'Autriche:*

M. le Hofrat Dr. Hans Werner, Président conseiller du Bureau des Brevets.

*Sa Majesté le Roi des Belges:*

M. Daniel Coppieters de Gibson, avocat à la Cour d'Appel de Bruxelles.

M. Thomas Braun, avocat à la Cour d'Appel de Bruxelles.

*Le Président des États-Unis du Brésil:*

M. Julio Augusto Barboza-Carneiro, Attaché commercial près l'Ambassade du Brésil à Londres.

*Le Président de la République de Cuba:*

M. le Dr. Gabriel Suárez Solar, Chargé d'Affaires de Cuba à Londres.

*Sa Majesté le Roi de Danemark:*

M. N. J. Ehrenreich-Hansen, Directeur de l'Administration de la Propriété industrielle.

*Le Président de la République d'Espagne:*

Son Excellence Don Ramón Pérez de Ayala, Ambassadeur d'Espagne à Londres.

Don Fernando Cabello Lapiedra, Directeur du Bureau de la Propriété industrielle.

Don José García Monge y de Vera, Sub-chef et Secrétaire du Registre de la Propriété industrielle.

*Le Président des États-Unis d'Amérique:*

The Hon. Conway P. Coe, Commissaire des Brevets.

M. Thomas Ewing.

M. John A. Dienner.

*Le Président de la République de Finlande:*

M. Juho Fredrik Kautola, Conseiller industriel, Chef du Bureau des brevets au Ministère du Commerce et de l'Industrie.



*Le Président de la République française:**Au nom de la République française:*

- M. Marcel Plaisant, Sénateur, Avocat à la Cour d'Appel de Paris, Délégué-adjoint de la France à la Société des Nations, Membre du Comité technique de la Propriété industrielle.
- M. Roger Cambon, Ministre Plénipotentiaire, Conseiller de l'Ambassade de France à Londres.
- M. Georges Lainel, Directeur de la Propriété industrielle au Ministère du Commerce et de l'Industrie.
- M. Georges Maillard, Avocat à la Cour d'Appel de Paris, Vice-Président du Comité technique de la Propriété industrielle.

*Au nom des États de Syrie et du Liban:*

- M. Marcel Plaisant.

*Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes:**Pour la Grande-Bretagne et l'Irlande du Nord:*

- Sir Frederick William Leith-Ross, K. C. B., K. C. M. G., Chief Economic Adviser to His Majesty's Government in the United Kingdom.
- Mr. Mark Frank Lindley, LL. D., Comptroller-General of Patents, Designs and Trade Marks.
- Sir William Smith Jarratt.

*Pour le Commonwealth d'Australie:*

- Mr. Bernhard Wallach, Commissioner of Patents, Registrar of Trade Marks, Registrar of Designs, Registrar of Copyrights.

*Pour l'État libre d'Irlande:*

- Mr. John W. Dulanty, High Commissioner of the Irish Free State in London.
- Mr. Edward A. Cleary, Controller of Industrial and Commercial Property.

*Son Altesse Sérénissime le Régent du Royaume de Hongrie:*

- M. Zoltán Schilling, Président de la Cour royale hongroise des Brevets.

*Sa Majesté le Roi d'Italie:*

- Son Excellence M. Eduardo Piola Caselli, Sénateur, Président de Chambre à la Cour de Cassation.
- Son Excellence M. le Prof. Amedeo Giannini, Sénateur, Ministre Plénipotentiaire, Conseiller d'État.
- M. le Dr. Luigi Biamonti, Directeur du Bureau légal de la Confédération de l'Industrie.
- M. le Dr. Alfredo Jannoni Sebastianini, Directeur de l'Office de la Propriété intellectuelle.

*Sa Majesté l'Empereur du Japon:*

Son Excellence M. Massa-aki Hotta, Envoyé Extraordinaire et Ministre Plénipotentiaire du Japon à Prague.

M. Takatsugu Yoshiwara, Secrétaire général du Bureau des Brevets d'invention.

*Son Altesse Sérénissime le Prince de Liechtenstein:*

M. Walther Kraft, Directeur du Bureau fédéral de la Propriété intellectuelle à Berne.

*Sa Majesté le Sultan du Maroc:*

Son Excellence le Vicomte de Poulpique du Halgouët, Attaché Commercial de France à Londres.

*Le Président des États-Unis du Mexique:*

M. Gustavo Luders de Negri, Consul général du Mexique à Londres.

*Sa Majesté le Roi de Norvège:*

M. Birger Gabriel Wyller, Directeur général du Bureau de la Propriété industrielle.

*Sa Majesté la Reine des Pays-Bas:*

M. le Dr. J. Alingh Prins, Président du Conseil pour les Brevets d'invention, Directeur du Bureau pour la Propriété industrielle à La Haye.

M. le Dr. Ingénieur J. van Hettinga Tromp, avocat près la Haute Cour à La Haye.

M. le Dr. A. D. Koeleman, Conseiller à La Haye.

M. le Dr. H. F. van Walsem, avocat, à Eindhoven.

*Le Président de la République polonaise (au nom de la Pologne et de la Ville libre de Dantzig):**Au nom de la République polonaise:*

M. Stefan Czaykowski, Président de l'Office des Brevets de la République polonaise.

*Au nom de la Ville libre de Dantzig:*

M. Stefan Czaykowski.

*Le Président de la République portugaise:*

M. le Dr. João de Lebre e Lima, Chargé d'Affaires du Portugal à Londres.

M. l'Ing. Arthur de Mello Quintella Saldanha, Directeur du Bureau de la Propriété industrielle.

*Sa Majesté le Roi de Suède:*

M. le Dr. Carl Birger Lindgren, Chef de Section à l'Office des Brevets et de l'Enregistrement.

M. Åke de Zweigbergk.

*Le Conseil fédéral de la Confédération suisse:*

M. Walther Kraft, Directeur du Bureau fédéral de la Propriété intellectuelle.

*Le Président de la République tchécoslovaque:*

M. le Dr. Karel Skála, Conseiller supérieur au Ministère du Commerce.

M. le Dr. Otto Parsch, Secrétaire au Ministère du Commerce.

*Son Altesse le Bey de Tunisie:*

M. Charles Billecocq, Consul général de France à Londres.

*Le Président de la République turque:*

Son Excellence Ali Fethi Bey, Ambassadeur de Turquie à Londres.

*Sa Majesté le Roi de Yougoslavie:*

M. le Dr. Janko Choumane, Président de l'Office national pour la Protection de la Propriété industrielle.

Lesquels, après avoir communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:—

ARTICLE 1<sup>er</sup>.

1. Les pays auxquels s'applique la présente Convention sont constitués à l'état d'Union pour la protection de la propriété industrielle.

2. La protection de la propriété industrielle a pour objet les brevets d'invention, les modèles d'utilité, les dessins ou modèles industriels, les marques de fabrique ou de commerce, le nom commercial et les indications de provenance ou appellations d'origine, ainsi que la répression de la concurrence déloyale.

3. La propriété industrielle s'entend dans l'acception la plus large et s'applique non seulement à l'industrie et au commerce proprement dits, mais également au domaine des industries agricoles et extractives et à tous produits fabriqués ou naturels, par exemple: vins, grains, feuilles de tabac, fruits, bestiaux, minéraux, eaux minérales, bières, fleurs, farines.

4. Parmi les brevets d'invention sont comprises les diverses espèces de brevets industriels admises par les législations des pays de l'Union, telles que brevets d'importation, brevets de perfectionnement, brevets et certificats d'addition, etc.

## ARTICLE 2.

1. Les ressortissants de chacun des pays de l'Union jouiront dans tous les autres pays de l'Union, en ce qui concerne la protection de la propriété industrielle, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux, le tout sans préjudice des droits spécialement prévus par la présente Convention. En conséquence, ils auront la même protection que ceux-ci et le même recours légal contre toute atteinte portée à leurs droits, sous réserve de l'accomplissement des conditions et formalités imposées aux nationaux.

2. Toutefois, aucune condition de domicile ou d'établissement dans le pays où la protection est réclamée ne peut être exigée des ressor-

tissants de l'Union pour la jouissance d'aucun des droits de propriété industrielle.

3. Sont expressément réservées les dispositions de la législation de chacun des pays de l'Union relatives à la procédure judiciaire et administrative et à la compétence, ainsi qu'à l'élection de domicile ou à la constitution d'un mandataire, qui seraient requises par les lois sur la propriété industrielle.

#### ARTICLE 3.

Sont assimilés aux ressortissants des pays de l'Union les ressortissants des pays ne faisant pas partie de l'Union qui sont domiciliés ou ont des établissements industriels ou commerciaux effectifs et sérieux sur le territoire de l'un des pays de l'Union.

#### ARTICLE 4.

A.—1. Celui qui aura régulièrement fait le dépôt d'une demande de brevet d'invention, d'un modèle d'utilité, d'un dessin ou modèle industriel, d'une marque de fabrique ou de commerce, dans l'un des pays de l'Union, ou son ayant cause, jouira, pour effectuer le dépôt dans les autres pays, d'un droit de priorité pendant les délais déterminés ci-après.

2. Est reconnu comme donnant naissance au droit de priorité tout dépôt ayant la valeur d'un dépôt national régulier en vertu de la loi intérieure de chaque pays de l'Union ou de traités internationaux conclus entre plusieurs pays de l'Union.

B.—En conséquence, le dépôt ultérieurement opéré dans l'un des autres pays de l'Union, avant l'expiration de ces délais, ne pourra être invalidé par des faits accomplis dans l'intervalle, soit, notamment, par un autre dépôt, par la publication de l'invention ou son exploitation, par la mise en vente d'exemplaires du dessin ou du modèle, par l'emploi de la marque, et ces faits ne pourront faire naître aucun droit de tiers ni aucune possession personnelle. Les droits acquis par des tiers avant le jour de la première demande qui sert de base au droit de priorité sont réservés par l'effet de la législation intérieure de chaque pays de l'Union.

C.—1. Les délais de priorité mentionnés ci-dessus seront de douze mois pour les brevets d'invention et les modèles d'utilité, et de six mois pour les dessins ou modèles industriels et pour les marques de fabrique ou de commerce.

2. Ces délais commencent à courir de la date du dépôt de la première demande; le jour du dépôt n'est pas compris dans le délai.

3. Si le dernier jour du délai est un jour férié légal ou un jour où le Bureau n'est pas ouvert pour recevoir le dépôt des demandes dans le pays où la protection est réclamée, le délai sera prorogé jusqu'au premier jour ouvrable qui suit.

D.—1. Quiconque voudra se prévaloir de la priorité d'un dépôt antérieur sera tenu de faire une déclaration indiquant la date et le pays de ce dépôt. Chaque pays déterminera à quel moment, au plus tard, cette déclaration devra être effectuée.

2. Ces indications seront mentionnées dans les publications émanant de l'Administration compétente, notamment sur les brevets et les descriptions y relatives.

3. Les pays de l'Union pourront exiger de celui qui fait une déclaration de priorité la production d'une copie de la demande (description, dessins, etc.) déposée antérieurement. La copie, certifiée conforme par l'Administration qui aura reçu cette demande, sera dispensée de toute légalisation, et elle pourra en tous cas être déposée, exempte de frais, à n'importe quel moment dans le délai de trois mois à dater du dépôt de la demande ultérieure. On pourra exiger qu'elle soit accompagnée d'un certificat de la date du dépôt émanant de cette Administration, et d'une traduction.

4. D'autres formalités ne pourront être requises pour la déclaration de priorité au moment du dépôt de la demande. Chaque pays de l'Union déterminera les conséquences de l'omission des formalités prévues par le présent article, sans que ces conséquences puissent excéder la perte du droit de priorité.

5. Ultérieurement d'autres justifications pourront être demandées.

E.—1. Lorsqu'un dessin ou modèle industriel aura été déposé dans un pays en vertu d'un droit de priorité basé sur le dépôt d'un modèle d'utilité, le délai de priorité ne sera que celui fixé pour les dessins ou modèles industriels.

2. En outre, il est permis de déposer dans un pays un modèle d'utilité en vertu d'un droit de priorité basé sur le dépôt d'une demande de brevet et inversement.

F.—Aucun pays de l'Union ne pourra refuser une demande de brevet pour le motif qu'elle contient la revendication de priorités multiples, à la condition qu'il y ait unité d'invention au sens de la loi du pays.

G.—Si l'examen révèle qu'une demande de brevet est complexe, le demandeur pourra diviser la demande en un certain nombre de demandes divisionnaires en conservant comme date de chacune la date de la demande initiale et, s'il y a lieu, le bénéfice du droit de priorité.

H.—La priorité ne peut être refusée pour le motif que certains éléments de l'invention pour lesquels on revendique la priorité ne figurent pas parmi les revendications formulées dans la demande au pays d'origine, pourvu que l'ensemble des pièces de la demande révèle d'une façon précise lesdits éléments.

#### ARTICLE 4 bis.

1. Les brevets demandés dans les différents pays de l'Union par des ressortissants de l'Union seront indépendants des brevets obtenus pour la même invention dans les autres pays, adhérents ou non à l'Union.

2. Cette disposition doit s'entendre d'une façon absolue, notamment en ce sens que les brevets demandés pendant le délai de priorité sont indépendants, tant au point de vue des causes de nullité et de déchéance, qu'au point de vue de la durée normale.

3. Elle s'applique à tous les brevets existant au moment de sa mise en vigueur.

4. Il en sera de même, en cas d'accession de nouveaux pays, pour les brevets existant de part et d'autre au moment de l'accession.

5. Les brevets obtenus avec le bénéfice de la priorité jouiront, dans les différents pays de l'Union, d'une durée égale à celle dont ils jouiraient s'ils étaient demandés ou délivrés sans le bénéfice de la priorité.

#### ARTICLE 4 *ter*.

L'inventeur a le droit d'être mentionné comme tel dans le brevet.

#### ARTICLE 5.

A.—1. L'introduction, par le breveté, dans le pays où le brevet a été délivré, d'objets fabriqués dans l'un ou l'autre des pays de l'Union, n'entraînera pas la déchéance.

2. Toutefois, chacun des pays de l'Union aura la faculté de prendre les mesures législatives nécessaires pour prévenir les abus qui pourraient résulter de l'exercice du droit exclusif conféré par le brevet, par exemple faute d'exploitation.

3. Ces mesures ne pourront prévoir la déchéance du brevet que si la concession de licences obligatoires ne suffisait pas pour prévenir ces abus.

4. En tout cas, la concession d'une licence obligatoire ne pourra pas être demandée avant l'expiration de trois années à compter de la date de la délivrance du brevet, et cette licence ne pourra être accordée que si le breveté ne justifie pas d'excuses légitimes. Aucune action en déchéance ou en révocation d'un brevet ne pourra être introduite avant l'expiration de deux années à compter de la concession de la première licence obligatoire.

5. Les dispositions qui précèdent seront applicables, sous réserve des modifications nécessaires, aux modèles d'utilité.

B.—La protection des dessins et modèles industriels ne peut être atteinte par une déchéance quelconque, soit pour défaut d'exploitation, soit pour introduction d'objets conformes à ceux qui sont protégés.

C.—1. Si, dans un pays, l'utilisation de la marque enregistrée est obligatoire, l'enregistrement ne pourra être annulé qu'après un délai équitable et si l'intéressé ne justifie pas des causes de son inaction.

2. L'emploi d'une marque de fabrique ou de commerce par le propriétaire, sous une forme qui diffère par des éléments n'altérant pas le caractère distinctif de la marque dans la forme sous laquelle celle-ci a été enregistrée dans l'un des pays de l'Union, n'entraînera pas l'invalidation de l'enregistrement et ne diminuera pas la protection accordée à la marque.

3. L'emploi simultané de la même marque sur des produits identiques ou similaires, par des établissements industriels ou commerciaux considérés comme copropriétaires de la marque d'après les dispositions de la loi nationale du pays où la protection est réclamée, n'empêchera pas l'enregistrement ni ne diminuera d'aucune façon

la protection accordée à ladite marque dans n'importe quel pays de l'Union, pourvu que ledit emploi n'ait pas pour effet d'induire le public en erreur et qu'il ne soit pas contraire à l'intérêt public.

D.—Aucun signe ou mention du brevet, du modèle d'utilité, de l'enregistrement de la marque de fabrique ou de commerce ou du dépôt du dessin ou modèle industriel ne sera exigé sur le produit, pour la reconnaissance du droit.

#### ARTICLE 5 bis.

1. Un délai de grâce, qui devra être au minimum de trois mois, sera accordé pour le paiement des taxes prévues pour le maintien des droits de propriété industrielle, moyennant le versement d'une surtaxe, si la législation nationale en impose une.

2. Pour les brevets d'invention, les pays de l'Union s'engagent en outre, soit à porter le délai de grâce à six mois au moins, soit à prévoir la restauration du brevet tombé en déchéance par suite de non-paiement de taxes, ces mesures restant soumises aux conditions prévues par la législation intérieure.

#### ARTICLE 5 ter.

Dans chacun des pays de l'Union ne seront pas considérés comme portant atteinte aux droits du breveté:

- 1° l'emploi, à bord des navires des autres pays de l'Union, des moyens faisant l'objet de son brevet dans le corps du navire, dans les machines, agrès, appareils et autres accessoires, lorsque ces navires pénétreront temporairement ou accidentellement dans les eaux du pays, sous réserve que ces moyens y soient employés exclusivement pour les besoins du navire;
- 2° l'emploi des moyens faisant l'objet du brevet dans la construction ou le fonctionnement des engins de locomotion aérienne ou terrestre des autres pays de l'Union ou des accessoires de ces engins, lorsque ceux-ci pénétreront temporairement ou accidentellement dans ce pays.

#### ARTICLE 6.

A.—Toute marque de fabrique ou de commerce régulièrement enregistrée dans le pays d'origine sera admise au dépôt et protégée telle quelle dans les autres pays de l'Union sous les réserves indiquées ci-après. Ces pays pourront exiger, avant de procéder à l'enregistrement définitif, la production d'un certificat d'enregistrement au pays d'origine délivré par l'autorité compétente. Aucune légalisation [*légalisation*] ne sera requise pour ce certificat.

B.—1. Toutefois, pourront être refusées ou invalidées:

- 1° les marques qui sont de nature à porter atteinte à des droits acquis par des tiers dans le pays où la protection est réclamée;

2° les marques dépourvues de tout caractère distinctif, ou bien composées exclusivement de signes ou d'indications pouvant servir, dans le commerce, pour désigner l'espèce, la qualité, la quantité, la destination, la valeur, le lieu d'origine des produits ou l'époque de production ou devenus usuels dans le langage courant ou les habitudes loyales et constantes du commerce du pays où la protection est réclamée. Dans l'appréciation du caractère distinctif d'une marque, on devra tenir compte de toutes les circonstances de fait, notamment de la durée de l'usage de la marque;

3° les marques qui sont contraires à la morale ou à l'ordre public, notamment celles qui sont de nature à tromper le public. Il est entendu qu'une marque ne pourra être considérée comme contraire à l'ordre public pour la seule raison qu'elle n'est pas conforme à quelque disposition de la législation sur les marques, sauf le cas où cette disposition elle-même concerne l'ordre public.

2. Ne pourront être refusées dans les autres pays de l'Union les marques de fabrique ou de commerce pour le seul motif qu'elles ne diffèrent des marques protégées dans le pays d'origine que par des éléments n'altérant pas le caractère distinctif et ne touchant pas à l'identité des marques dans la forme sous laquelle celles-ci ont été enregistrées audit pays d'origine.

C.—Sera considéré comme pays d'origine le pays de l'Union où le déposant a un établissement industriel ou commercial effectif et sérieux, et, s'il n'a pas un tel établissement, le pays de l'Union où il a son domicile, et, s'il n'a pas de domicile dans l'Union, le pays de sa nationalité, au cas où il est ressortissant d'un pays de l'Union.

D.—Lorsqu'une marque de fabrique ou de commerce aura été régulièrement enregistrée dans le pays d'origine, puis dans un ou plusieurs autres pays de l'Union, chacune de ces marques nationales sera considérée, dès la date à laquelle elle aura été enregistrée, comme indépendante de la marque dans le pays d'origine, pourvu qu'elle soit conforme à la législation intérieure du pays d'importation.

E.—En aucun cas le renouvellement de l'enregistrement d'une marque dans le pays d'origine n'entraînera l'obligation de renouveler l'enregistrement dans les autres pays de l'Union où la marque aura été enregistrée.

F.—Le bénéfice de la priorité reste acquis aux dépôts de marques effectués dans le délai de l'article 4, même lorsque l'enregistrement dans le pays d'origine n'intervient qu'après l'expiration de ce délai.

#### ARTICLE 6 bis.

1. Les pays de l'Union s'engagent à refuser ou à invalider, soit d'office si la législation du pays le permet, soit à la requête de l'intéressé, l'enregistrement d'une marque de fabrique ou de commerce qui constitue la reproduction, l'imitation ou la traduction, susceptibles de créer une confusion, d'une marque que l'autorité



compétente du pays de l'enregistrement estimera y être notoirement connue comme étant déjà la marque d'une personne admise à bénéficier de la présente Convention et utilisée pour des produits identiques ou similaires. Il en sera de même lorsque la partie essentielle de la marque constitue la reproduction d'une telle marque notoirement connue ou une imitation susceptible de créer une confusion avec celle-ci.

2. Un délai minimum de trois ans devra être accordé pour réclamer la radiation de ces marques. Le délai courra de la date de l'enregistrement de la marque.

3. Il ne sera pas fixé de délai pour réclamer la radiation des marques enregistrées de mauvaise foi.

#### ARTICLE 6 *ter*.

1. Les pays de l'Union conviennent de refuser ou d'invalider l'enregistrement et d'interdire, par des mesures appropriées, l'utilisation, à défaut d'autorisation des pouvoirs compétents, soit comme marques de fabrique ou de commerce, soit comme éléments de ces marques, des armoiries, drapeaux et autres emblèmes d'État des pays de l'Union, signes et poinçons officiels de contrôle et de garantie adoptés par eux, ainsi que toute imitation au point de vue héraldique.

2. L'interdiction des signes et poinçons officiels de contrôle et de garantie s'appliquera seulement dans les cas où les marques qui les comprendront seront destinées à être utilisées sur des marchandises du même genre ou d'un genre similaire.

3. Pour l'application de ces dispositions, les pays de l'Union conviennent de se communiquer réciproquement, par l'intermédiaire du Bureau international de Berne, la liste des emblèmes d'État, signes et poinçons officiels de contrôle et de garantie, qu'ils désirent ou désireront placer, d'une façon absolue ou dans certaines limites, sous la protection du présent article, ainsi que toutes modifications ultérieures apportées à cette liste. Chaque pays de l'Union mettra à la disposition du public, en temps utile, les listes notifiées.

4. Tout pays de l'Union pourra, dans un délai de douze mois à partir de la réception de la notification, transmettre, par l'intermédiaire du Bureau international de Berne, au pays intéressé, ses objections éventuelles.

5. Pour les emblèmes d'État notoirement connus, les mesures prévues à l'alinéa 1 s'appliqueront seulement aux marques enregistrées après le 6 novembre 1925.

6. Pour les emblèmes d'État qui ne seraient pas notoirement connus, et pour les signes et poinçons officiels, ces dispositions ne seront applicables qu'aux marques enregistrées plus de deux mois après réception de la notification prévue par l'alinéa 3.

7. En cas de mauvaise foi, les pays auront la faculté de faire radier même les marques enregistrées avant le 6 novembre 1925 et comportant des emblèmes d'État, signes et poinçons.

8. Les nationaux de chaque pays qui seraient autorisés à faire usage des emblèmes d'État, signes et poinçons de leur pays, pourront les utiliser, même s'il y avait similitude avec ceux d'un autre pays.

9. Les pays de l'Union s'engagent à interdire l'usage non autorisé, dans le commerce, des armoiries d'État des autres pays de l'Union, lorsque cet usage sera de nature à induire en erreur sur l'origine des produits.

10. Les dispositions qui précèdent ne font pas obstacle à l'exercice, par les pays, de la faculté de refuser ou d'invalider, par application du 3° de l'alinéa 1 de la lettre B de l'article 6, les marques contenant, sans autorisation, des armoiries, drapeaux, décorations et autres emblèmes d'État ou des signes et poinçons officiels adoptés par un pays de l'Union.

#### ARTICLE 6 *quater*.

1. Lorsque, conformément à la législation d'un pays de l'Union, la cession d'une marque n'est valable que si elle a lieu en même temps que le transfert de l'entreprise ou du fonds de commerce auquel la marque appartient, il suffira, pour que cette validité soit admise, que la partie de l'entreprise ou du fonds de commerce située dans ce pays soit transmise au cessionnaire, avec le droit exclusif d'y fabriquer ou d'y vendre les produits portant la marque cédée.

2. Cette disposition n'impose pas aux pays de l'Union l'obligation de considérer comme valable le transfert de toute marque dont l'usage par le cessionnaire serait, en fait, de nature à induire le public en erreur, notamment en ce qui concerne la provenance, la nature ou les qualités substantielles des produits auxquels la marque est appliquée.

#### ARTICLE 7.

La nature du produit sur lequel la marque de fabrique ou de commerce doit être apposée ne peut, dans aucun cas, faire obstacle à l'enregistrement de la marque.

#### ARTICLE 7 *bis*.

1. Les pays de l'Union s'engagent à admettre au dépôt et à protéger les marques collectives appartenant à des collectivités dont l'existence n'est pas contraire à la loi du pays d'origine, même si ces collectivités ne possèdent pas un établissement industriel ou commercial.

2. Chaque pays sera juge des conditions particulières sous lesquelles une marque collective sera protégée et il pourra refuser la protection si cette marque est contraire à l'intérêt public.

3. Cependant, la protection de ces marques ne pourra être refusée à aucune collectivité dont l'existence n'est pas contraire à la loi du pays d'origine, pour le motif qu'elle n'est pas établie dans le pays où la protection est requise ou qu'elle n'est pas constituée conformément à la législation de ce pays.

## ARTICLE 8.

Le nom commercial sera protégé dans tous les pays de l'Union sans obligation de dépôt ou d'enregistrement, qu'il fasse ou non partie d'une marque de fabrique ou de commerce.

## ARTICLE 9.

1. Tout produit portant illicitement une marque de fabrique ou de commerce, ou un nom commercial, sera saisi à l'importation dans ceux des pays de l'Union dans lesquels cette marque ou ce nom commercial ont droit à la protection légale.

2. La saisie sera également effectuée dans le pays où l'apposition illicite aura eu lieu, ou dans le pays où aura été importé le produit.

3. La saisie aura lieu à la requête soit du ministère public, soit de toute autre autorité compétente, soit d'une partie intéressée, personne physique ou morale, conformément à la législation intérieure de chaque pays.

4. Les autorités ne seront pas tenues d'effectuer la saisie en cas de transit.

5. Si la législation d'un pays n'admet pas la saisie à l'importation, la saisie sera remplacée par la prohibition d'importation ou la saisie à l'intérieur.

6. Si la législation d'un pays n'admet ni la saisie à l'importation, ni la prohibition d'importation, ni la saisie à l'intérieur, et en attendant que cette législation soit modifiée en conséquence, ces mesures seront remplacées par les actions et moyens que la loi de ce pays assurerait en pareil cas aux nationaux.

## ARTICLE 10.

1. Les dispositions de l'article précédent seront applicables à tout produit portant faussement, comme indication de provenance, le nom d'une localité ou d'un pays déterminé, lorsque cette indication sera jointe à un nom commercial fictif ou emprunté dans une intention frauduleuse.

2. Sera en tout cas reconnu comme partie intéressée, que ce soit une personne physique ou morale, tout producteur, fabricant ou commerçant engagé dans la production, la fabrication ou le commerce de ce produit et établi, soit dans la localité faussement indiquée comme lieu de provenance, soit dans la région où cette localité est située, soit dans le pays faussement indiqué, soit dans le pays où la fausse indication de provenance est employée.

ARTICLE 10 *bis*.

1. Les pays de l'Union sont tenus d'assurer aux ressortissants de l'Union une protection effective contre la concurrence déloyale.

2. Constitue un acte de concurrence déloyale tout acte de concurrence contraire aux usages honnêtes en matière industrielle ou commerciale.

## 3. Notamment devront être interdits:

- 1° tous faits quelconques de nature à créer une confusion par n'importe quel moyen avec l'établissement, les produits ou l'activité industrielle ou commerciale d'un concurrent;
- 2° les allégations fausses, dans l'exercice du commerce, de nature à discréditer l'établissement, les produits ou l'activité industrielle ou commerciale d'un concurrent.

ARTICLE 10 *ter*.

1. Les pays de l'Union s'engagent à assurer aux ressortissants des autres pays de l'Union des recours légaux appropriés pour réprimer efficacement tous les actes visés aux articles 9, 10 et 10*bis*.

2. Ils s'engagent, en outre, à prévoir des mesures pour permettre aux syndicats et associations représentant les industriels, producteurs ou commerçants intéressés et dont l'existence n'est pas contraire aux lois de leurs pays, d'agir en justice ou auprès des autorités administratives, en vue de la répression des actes prévus par les articles 9, 10 et 10*bis*, dans la mesure où la loi du pays dans lequel la protection est réclamée le permet aux syndicats et associations de ce pays.

## ARTICLE 11.

1. Les pays de l'Union accorderont, conformément à leur législation intérieure, une protection temporaire aux inventions brevetables, aux modèles d'utilité, aux dessins ou modèles industriels ainsi qu'aux marques de fabrique ou de commerce, pour les produits qui figureront aux expositions internationales officielles ou officiellement reconnues organisées sur le territoire de l'un d'eux.

2. Cette protection temporaire ne prolongera pas les délais de l'article 4. Si, plus tard, le droit de priorité est invoqué, l'Administration de chaque pays pourra faire partir le délai de la date de l'introduction du produit dans l'exposition.

3. Chaque pays pourra exiger, comme preuve de l'identité de l'objet exposé et de la date d'introduction, les pièces justificatives qu'il jugera nécessaires.

## ARTICLE 12.

1. Chacun des pays de l'Union s'engage à établir un service spécial de la propriété industrielle et un dépôt central pour la communication au public des brevets d'invention, des modèles d'utilité, des dessins ou modèles industriels et des marques de fabrique ou de commerce.

2. Ce service publiera une feuille périodique officielle. Il publiera régulièrement:

- (a) les noms des titulaires des brevets délivrés, avec une brève désignation des inventions brevetées;
- (b) les reproductions des marques enregistrées.

## ARTICLE 13.

1. L'Office international institué à Berne sous le nom de Bureau international pour la protection de la propriété industrielle est placé

sous la haute autorité du Gouvernement de la Confédération suisse, qui en règle l'organisation et en surveille le fonctionnement.

2. La langue officielle du Bureau international est la langue française.

3. Le Bureau international centralise les renseignements de toute nature relatifs à la protection de la propriété industrielle; il les réunit et les publie. Il procède aux études d'utilité commune intéressant l'Union et rédige, à l'aide des documents qui sont mis à sa disposition par les diverses Administrations, une feuille périodique, en langue française, sur les questions concernant l'objet de l'Union.

4. Les numéros de cette feuille, de même que tous les documents publiés par le Bureau international, sont répartis entre les Administrations des pays de l'Union dans la proportion du nombre des unités contributives ci-dessous mentionnées. Les exemplaires et documents supplémentaires qui seraient réclamés, soit par lesdites Administrations, soit par des sociétés ou des particuliers, seront payés à part.

5. Le Bureau international doit se tenir en tout temps à la disposition des pays de l'Union, pour leur fournir, sur les questions relatives au service international de la propriété industrielle, les renseignements spéciaux dont ils pourraient avoir besoin. Le Directeur du Bureau international fait sur sa gestion un rapport annuel qui est communiqué à tous les pays de l'Union.

6. Les dépenses ordinaires du Bureau international seront supportées en commun par les pays de l'Union. Jusqu'à nouvel ordre, elles ne pourront pas dépasser la somme de cent vingt mille francs suisses par année. Cette somme pourra être augmentée au besoin, par décision unanime d'une des Conférences prévues à l'article 14.

7. Les dépenses ordinaires ne comprennent pas les frais afférents aux travaux des Conférences de Plénipotentiaires ou administratives, ni les frais que pourront entraîner des travaux spéciaux ou des publications effectués conformément aux décisions d'une Conférence. Ces frais, dont le montant annuel ne pourra dépasser 20,000 francs suisses, seront répartis entre les pays de l'Union proportionnellement à la contribution qu'ils payent pour le fonctionnement du Bureau international, suivant les dispositions de l'alinéa 8 ci-après.

8. Pour déterminer la part contributive de chacun des pays dans cette somme totale des frais, les pays de l'Union et ceux qui adhéreront ultérieurement à l'Union sont divisés en six classes, contribuant chacune dans la proportion d'un certain nombre d'unités, savoir:

	<i>Unités.</i>
1 <sup>re</sup> classe.....	25
2 <sup>e</sup> classe.....	20
3 <sup>e</sup> classe.....	15
4 <sup>e</sup> classe.....	10
5 <sup>e</sup> classe.....	5
6 <sup>e</sup> classe.....	3

Ces coefficients sont multipliés par le nombre des pays de chaque classe, et la somme des produits ainsi obtenus fournit le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donne le montant de l'unité de dépense.

9. Chacun des pays de l'Union désignera, au moment de son accession, la classe dans laquelle il désire être rangé. Toutefois, chaque pays de l'Union pourra déclarer ultérieurement qu'il désire être rangé dans une autre classe.

10. Le Gouvernement de la Confédération suisse surveille les dépenses du Bureau international, fait les avances nécessaires et établit le compte annuel qui sera communiqué à toutes les autres Administrations.

#### ARTICLE 14.

1. La présente Convention sera soumise à des revisions périodiques, en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

2. A cet effet, des Conférences auront lieu, successivement, dans l'un des pays de l'Union [*pays contractants*] entre les Délégués desdits pays.

3. L'Administration du pays où doit siéger la Conférence préparera, avec le concours du Bureau international, les travaux de cette Conférence.

4. Le Directeur du Bureau international assistera aux séances des Conférences, et prendra part aux discussions sans voix délibérative.

#### ARTICLE 15.

Il est entendu que les pays de l'Union se réservent respectivement le droit de prendre séparément, entre eux, des arrangements particuliers pour la protection de la propriété industrielle, en tant que ces arrangements ne contreviendraient point aux dispositions de la présente Convention.

#### ARTICLE 16.

1. Les pays qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

2. Cette adhésion sera notifiée par la voie diplomatique au Gouvernement de la Confédération suisse, et par celui-ci à tous les autres.

3. Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention, et produira ses effets un mois après l'envoi de la notification faite par le Gouvernement de la Confédération suisse aux autres pays unionistes, à moins qu'une date postérieure n'ait été indiquée dans la demande d'adhésion.

#### ARTICLE 16 bis.

1. Chacun des pays de l'Union peut, en tout temps, notifier par écrit au Gouvernement de la Confédération suisse que la présente Convention est applicable à tout ou partie de ses colonies, protectorats, territoires sous mandat ou tous autres territoires soumis à son autorité, ou tous territoires sous suzeraineté, et la Convention s'appliquera à tous les territoires désignés dans la notification un

mois après l'envoi de la communication faite par le Gouvernement de la Confédération suisse aux autres pays de l'Union, à moins qu'une date postérieure n'ait été indiquée dans la notification. A défaut de cette notification, la Convention ne s'appliquera pas à ces territoires.

2. Chacun des pays de l'Union peut, en tout temps, notifier par écrit au Gouvernement de la Confédération suisse que la présente Convention cesse d'être applicable à tout ou partie des territoires qui ont fait l'objet de la notification prévue à l'alinéa qui précède, et la Convention cessera de s'appliquer dans les territoires désignés dans cette notification douze mois après réception de la notification adressée au Gouvernement de la Confédération suisse.

3. Toutes les notifications faites au Gouvernement de la Confédération suisse, conformément aux dispositions des alinéas 1 et 2 du présent article, seront communiquées par ce Gouvernement à tous les pays de l'Union.

#### ARTICLE 17.

L'exécution des engagements réciproques contenus dans la présente Convention est subordonnée, en tant que de besoin, à l'accomplissement des formalités et règles établies par les lois constitutionnelles de ceux des pays de l'Union qui sont tenus d'en provoquer l'application, ce qu'ils s'obligent à faire dans le plus bref délai possible.

#### ARTICLE 17 bis.

1. La Convention demeurera en vigueur pendant un temps indéterminé, jusqu'à l'expiration d'une année à partir du jour où la dénonciation en sera faite.

2. Cette dénonciation sera adressée au Gouvernement de la Confédération suisse. Elle ne produira son effet qu'à l'égard du pays au nom duquel elle aura été faite, la Convention restant exécutoire pour les autres pays de l'Union.

#### ARTICLE 18.

1. Le présent Acte sera ratifié et les instruments de ratification en seront déposés à Londres au plus tard le 1<sup>er</sup> juillet 1938. Il entrera en vigueur entre les pays au nom desquels il aura été ratifié un mois après cette date. Toutefois, si auparavant il était ratifié au nom de six pays au moins, il entrerait en vigueur entre ces pays un mois après que le dépôt de la sixième ratification leur aurait été notifié par le Gouvernement de la Confédération suisse, et pour les pays au nom desquels il serait ratifié ensuite, un mois après la notification de chacune de ces ratifications.

2. Les pays au nom desquels l'instrument de ratification n'aura pas été déposé dans le délai visé à l'alinéa précédent seront admis à l'adhésion aux termes de l'article 16.

3. Le présent Acte remplacera, dans les rapports entre les pays auxquels il s'applique, la Convention d'Union de Paris de 1883 et les Actes de revision subséquents.

4. En ce qui concerne les pays auxquels le présent Acte ne s'applique pas, mais auxquels s'applique la Convention d'Union de Paris révisée à La Haye en 1925, cette dernière restera en vigueur.

5. De même, en ce qui concerne les pays auxquels ne s'appliquent ni le présent Acte, ni la Convention d'Union de Paris révisée à La Haye, la Convention d'Union de Paris révisée à Washington en 1911 restera en vigueur.

#### ARTICLE 19.

Le présent Acte sera signé en un seul exemplaire, lequel sera déposé aux Archives du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord. Une copie certifiée sera remise par ce dernier à chacun des Gouvernements des pays de l'Union.

Fait à Londres, en un seul exemplaire, le 2 Juin 1934.

*Pour l'Allemagne:*

HOESCH.  
GEORG KLAUER.  
WOLFGANG KÜHNAST.  
HERBERT KÜHNEMANN.

*Pour l'Autriche:*

DR. HANS WERNER.

*Pour la Belgique:*

COPPIETERS DE GIBSON.  
THOMAS BRAUN.

*Pour les États-Unis du Brésil:*

J. A. BARBOZA-CARNEIRO.

*Pour Cuba:*

GABRIEL SUÁREZ SOLAR.

*Pour le Danemark:*

N. J. EHRENREICH-HANSEN.

*Pour la Ville libre de Dantzig:*

*Pour l'Espagne:*

RAMÓN PÉREZ DE AYALA.  
FERNANDO CABELLO LAPIEDRA.  
JOSÉ GARCÍA MONGE.

*Pour les États-Unis d'Amérique:*

CONWAY P. COE.  
JOHN A. DIENNER.  
THOMAS EWING.

*Pour la Finlande:*

J. KAUTOLA.

*Pour la France:*

MARCEL PLAISANT.  
ROGER CAMBON.  
GEORGES LAINEL.  
GEORGES MAILLARD.



*Pour la Grande-Bretagne et l'Irlande du Nord:*

F. W. LEITH-ROSS.

M. F. LINDLEY.

WILLIAM S. JARRATT.

*Pour l'Australie:*

B. WALLACH.

*Pour l'État libre d'Irlande:**Pour la Hongrie:*

SCHILLING ZOLTÁN.

*Pour l'Italie:*

EDUARDO PIOLA CASELLI.

LUIGI BIAMONTI.

ALFREDO JANNONI SEBASTIANINI.

*Pour le Japon:*

M. HOTTA.

TAKATSUGU YOSHIWARA.

*Pour Liechtenstein:*

W. KRAFT.

*Pour le Maroc:*

HALGOUËT.

*Pour les États-Unis du Mexique:*

G. LUDERS DE NEGRI.

*Pour la Norvège:*

B. G. WYLLER.

*Pour les Pays-Bas:*

J. ALINGH PRINS.

J. VAN HETTINGA TROMP.

A. D. KOELEMAN.

H. F. VAN WALSEM.

*Pour la Pologne:*

STEFAN CZAYKOWSKI.

*Pour le Portugal:*

JOÃO DE LEBRE E LIMA.

ARTHUR DE MELLO QUINTELLA SALDANHA.

*Pour la Suède:*

BIRGER LINDGREN.

ÅKE DE ZWEIGBERGK.

*Pour la Syrie et le Liban:*

MARCEL PLAISANT.

*Pour la Suisse:*

W. KRAFT.

*Pour la Tchécoslovaquie:*

DR. KAREL SKÁLA.

DR. OTTO PARSCH.

*Pour la Tunisie:*

C. BILLECOCQ.

*Pour la Turquie:*

A. FETHI.

*Pour la Yougoslavie:*

DR. JANKO CHOUMANE (ŠUMAN).

WHEREAS it is provided in Article 18 of the said convention that the instruments of ratification thereof shall be deposited in London not later than the first of July 1938 and that the convention shall come into force between the countries in whose names it shall have been ratified one month after such date;

Deposit of ratifications.  
*Post*, p. 1784.

AND WHEREAS the ratifications of the United States of America, Denmark, Germany, the United Kingdom of Great Britain and Northern Ireland, Japan, including Chosen, Taiwan and Karafuto, and Norway were deposited in London before July 1, 1938, the said convention thus coming into force between those countries one month after such date, that is to say on August 1, 1938, in accordance with Article 18 of the said convention;

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and the citizens thereof.

Proclamation.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this twenty-eighth day of October  
in the year of our Lord one thousand nine hundred and  
[SEAL] thirty-eight and of the Independence of the United States  
of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[Translation]

CONVENTION OF UNION OF PARIS OF MARCH 20, 1883, FOR THE  
PROTECTION OF INDUSTRIAL PROPERTY, REVISED AT BRUSSELS  
DECEMBER 14, 1900, AT WASHINGTON JUNE 2, 1911, AT THE HAGUE  
NOVEMBER 6, 1925, AND AT LONDON JUNE 2, 1934

*Contracting powers.*

The President of the German Reich; the President of the Republic of Austria; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Republic of Spain; the President of the United States of America; the President of the Republic of Finland; the President of the French Republic; His Majesty the King of Great Britain and Ireland and of the British Territories Beyond the Seas, Emperor of India; His Most Serene Highness the Regent of the Kingdom of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Most Serene Highness the Prince of Liechtenstein; His Majesty the Sultan of Morocco; the President of the United Mexican States; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Polish Republic (in the name of Poland and the Free City of Danzig); the President of the Portuguese Republic; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the President of the Czechoslovak Republic; His Highness the Bey of Tunisia; the President of the Turkish Republic; His Majesty the King of Yugoslavia,

25 Stat. 1372.

32 Stat. 1936.

38 Stat. 1645.

47 Stat. 1789.

Having deemed it expedient to make certain modifications and additions in the International Convention of March 20, 1883, for the creation of an International Union for the Protection of Industrial Property, revised at Brussels on December 14, 1900, at Washington on June 2, 1911, and at The Hague on November 6, 1925, have appointed as their plenipotentiaries, to wit:

*Plenipotentiaries.**The President of the German Reich:*

His Excellency M. Leopold von Hoesch, German Ambassador in London.

Mr. Georg Klauer, President of the Patent Office.

Mr. Wolfgang Kühnast, Geh. Justizrat, Director in the Patent Office.

Mr. Herbert Kühnemann, Landgerichtsrat in the Ministry of Justice.

*The President of the Republic of Austria:*

Mr. le Hofrat Dr. Hans Werner, Chief Adviser in the Patent Office.

*His Majesty the King of the Belgians:*

Mr. Daniel Coppiniers de Gibson, attorney at the Court of Appeals of Brussels.

Mr. Thomas Braun, attorney at the Court of Appeals of Brussels.

*The President of the United States of Brazil:*

Mr. Julio Augusto Barboza-Carneiro, Commercial Attaché at the Brazilian Embassy in London.

*The President of the Republic of Cuba:*

Mr. le Dr. Gabriel Suárez Solar, Cuban Chargé d'Affaires in London.

*His Majesty the King of Denmark:*

Mr. N. J. Ehrenreich-Hansen, Director of the Administration of Industrial Property.

*The President of the Republic of Spain:*

His Excellency Don Ramón Pérez de Ayala, Ambassador of Spain in London.

Mr. Fernando Cabello Lapiedra, Director of the Office of Industrial Property.

Mr. José García Monge y de Vera, Assistant Chief and Secretary of the Register of Industrial Property.

*The President of the United States of America:*

The Honorable Conway P. Coe, Commissioner of Patents.

Mr. Thomas Ewing.

Mr. John A. Dienner.

*The President of the Republic of Finland:*

Mr. Juho Fredrik Kautola, Industrial Adviser, Chief of the Patent Office at the Ministry of Commerce and Industry.

*The President of the French Republic:**In the name of the French Republic:*

Mr. Marcel Plaisant, senator, attorney at the Court of Appeals of Paris, Assistant Delegate for France at the League of Nations, member of the Technical Committee on Industrial Property.

Mr. Roger Cambon, Minister Plenipotentiary, Adviser of the French Embassy in London.

Mr. Georges Lainel, Director of Industrial Property in the Ministry of Commerce and Industry.

Mr. Georges Maillard, attorney at the Court of Appeals of Paris, Vice President of the Technical Committee on Industrial Property.

*In the name of the States of Syria and the Lebanon:*

Mr. Marcel Plaisant.

Plenipotentiaries—  
Continued.

Plenipotentiaries—  
Continued.

*His Majesty the King of Great Britain, Ireland, and the British Territories Beyond the Seas, Emperor of India:*

*For Great Britain and Northern Ireland:*

Sir Frederick William Leith-Ross, K. C. B., K. C. M. G.,  
Chief Economic Adviser to His Majesty's Government  
in the United Kingdom.

Mr. Mark Frank Lindley, LL. D., Comptroller General of  
Patents, Designs, and Trade Marks.

Sir William Smith Jarratt.

*For the Commonwealth of Australia:*

Mr. Bernhard Wallach, Commissioner of Patents, Registrar of Trade Marks, Registrar of Designs, Registrar of Copyrights.

*For the Irish Free State:*

Mr. John W. Dulanty, High Commissioner of the Irish Free State in London.

Mr. Edward A. Cleary, Controller of Industrial and Commercial Property.

*His Most Serene Highness the Regent of the Kingdom of Hungary:*

Mr. Zoltán Schilling, President of the Hungarian Royal Court of Patents.

*His Majesty the King of Italy:*

His Excellency Mr. Eduardo Piola Caselli, senator, President of Chamber in the Court of Cassation.

His Excellency Prof. Amedeo Giannini, senator, Minister Plenipotentiary, State Adviser.

Dr. Luigi Biamonti, Director of the Legal Office of the Confederation of Industry.

Dr. Alfredo Jannoni Sebastianini, Director of the Bureau of Intellectual Property.

*His Majesty the Emperor of Japan:*

His Excellency Massa-aki Hotta, Envoy Extraordinary and Minister Plenipotentiary of Japan in Prague.

Mr. Takatsugu Yoshiwara, Secretary General of the Office of Patents of Invention.

*His Most Serene Highness the Prince of Liechtenstein:*

Mr. Walther Kraft, Director of the Federal Bureau of Intellectual Property at Bern.

*His Majesty the Sultan of Morocco:*

His Excellency Viscount de Poulpiquet du Halgouët, Commercial Attaché of France in London.

*The President of the United Mexican States:*

Mr. Gustavo Luders de Negri, Consul General of Mexico in London.

*His Majesty the King of Norway:*

Mr. Birger Gabriel Wyller, Director General of the Office of Industrial Property.

*Her Majesty the Queen of the Netherlands:*

Dr. J. Alingh Prins, President of the Council for Patents of Invention, Director of the Office of Industrial Property at The Hague.

Dr. Ing. J. van Hettinga Tromp, attorney at the High Court at The Hague.

Dr. A. D. Kooleman, adviser at The Hague.

Dr. H. F. van Walsem, attorney at Eindhoven.

*The President of the Polish Republic (in the name of Poland and the Free City of Danzig):**In the name of the Polish Republic:*

Mr. Stefan Czaykowski, President of the Patent Office of the Polish Republic.

*In the name of the Free City of Danzig:*

Mr. Stefan Czaykowski.

*The President of the Portuguese Republic:*

Dr. João de Lebre e Lima, Portuguese Chargé d'Affaires in London.

Ing. Arthur de Mello Quintella Saldanha, Director of the Bureau of Industrial Property.

*His Majesty the King of Sweden:*

Dr. Carl Birger Lindgren, Section Chief at the Office of Patents and Registration.

Mr. Åke de Zweigbergk.

*The Federal Council of the Swiss Confederation:*

Mr. Walther Kraft, Director of the Federal Bureau of Intellectual Property.

*The President of the Czechoslovak Republic:*

Dr. Karel Skála, Adviser at the Ministry of Commerce.

Dr. Otto Parsch, Secretary at the Ministry of Commerce.

*His Highness the Bey of Tunisia:*

Mr. Charles Billecocq, Consul General of France in London.

*The President of the Turkish Republic:*

His Excellency Ali Fethi Bey, Turkish Ambassador in London.

*His Majesty the King of Yugoslavia:*

Dr. Janko Choumane, President of the National Office for the Protection of Industrial Property.

Who, having communicated their respective full powers, which were found to be in good and due form, have agreed upon the following provisions:

#### ARTICLE 1

- Union constituted. (1) The countries to which the present convention applies constitute themselves into a Union for the Protection of Industrial Property.
- Scope. (2) The scope of the protection of industrial property shall include patents, utility models, industrial designs and models, trade marks, commercial names and indications of origin, or appellations of origin, as well as the repression of unfair competition.
- Terms defined.  
Industrial property. (3) Industrial property shall be understood in the broadest meaning and shall apply not only to industry and commerce as such, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grains, tobacco leaves, fruits, cattle, minerals, mineral waters, beers, flowers, flours.
- Patents. (4) The term "patents" shall extend to the various types of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, improvement patents, patents and certificates of addition, etc.

#### ARTICLE 2

- Mutual protection  
of industrial property. (1) Nationals of each of the countries of the Union shall, in all other countries of the Union, as regards the protection of industrial property, enjoy the advantages that their respective laws now grant, or may hereafter grant, to their own nationals, without any prejudice to the rights specially provided for by the present convention.
- Protection against  
infringement of rights. Consequently they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed upon nationals.
- Limitation. (2) Nevertheless, no condition as to the possession of a domicile or establishment in the country where protection is claimed can be required of those who enjoy the benefits of the Union for the enjoyment of any industrial property rights.
- Reservation. (3) The provisions of the legislation of each of the countries of the Union relative to judicial and administrative proceedings and to competent authority, as well as to the choice of domicile or the appointment of an authorized agent, which may be required by the laws on industrial property are expressly reserved.

#### ARTICLE 3

- Assimilation of  
resident, etc., nationals  
of countries outside  
Union. Nationals of countries not forming part of the Union who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union shall be assimilated to the nationals of the countries of the Union.

#### ARTICLE 4

- Right of priority. A. (1) Any person who has duly applied for a patent, the registration of a utility model, industrial design or model, or trade mark in

one of the countries of the Union, or his legal representative or assignee, shall enjoy for the purposes of registration in other countries a right of priority during the periods hereinafter stated.

(2) Any filing having the value of a formal national filing by virtue of the internal law of each country of the Union or of international treaties concluded among several countries of the Union shall be recognized as giving rise to a right of priority.

Formal national filing; recognition.

B. Consequently, subsequent filing in one of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the interval, as, for instance, by another filing, by publication of the invention or the working thereof, by the sale of copies of the design or model, or by use of the trade mark, and these facts cannot give rise to any right of third parties or any personal possession. The rights acquired by third parties before the day of the first application on which priority is based shall be reserved by the internal legislation of each country of the Union.

Effect.

Third parties, etc.

C. (1) The above-mentioned periods of priority shall be 12 months for patents and utility models and 6 months for industrial designs and models and for trade marks.

Periods of priority.

(2) These periods shall start from the date of filing of the first application; the day of filing is not counted in this period.

(3) If the last day of the period is a legal holiday, or a day on which the Patent Office is not open to receive applications in the country where protection is claimed, the period shall be extended until the next working day.

D. (1) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine the latest date at which such declaration must be made.

Declaration of particulars required.

(2) The particulars referred to shall be stated in the publications issued by the competent authority, and in particular in the patents issued and the specifications relating thereto.

Statement of particulars.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously made. The copy, certified as correct by the authority receiving this application, shall not require legal authentication, and in all cases it can be filed, without fee, at any time within the period of 3 months from the filing of the application. They may also require that the declaration later be accompanied by a certificate by the proper authority showing the date of application, and also by a translation.

Production of certified copy of prior application.

(4) No other formalities may be required for the declaration of priority at the time application is filed. Each of the countries of the Union shall decide upon the consequences of the omission of the formalities prescribed by this article, but such consequences shall in no case exceed the loss of the right of priority.

Further formalities unnecessary.

(5) Further proof in support of the application may be required later.

Further proof.



Registration of industrial design, etc., based on registration of utility model.

E. (1) Where an application is filed in a country for the registration of an industrial design or model by virtue of a right of priority based on the registration of a utility model, the period of priority shall be the same as that fixed for industrial designs and models.

(2) Furthermore, it is allowable to deposit in a country a utility model by virtue of rights of priority based on a patent application, and vice versa.

No application to be refused on ground of multiple priorities claim; condition.

F. No country of the Union can refuse an application for patent on the ground that it claims multiple priorities provided there is unity of invention in the sense of the law of the country.

Division where application for patent is complex.

G. If the examination shows that an application for patent is complex, the applicant can divide the application into a certain number of divisional applications preserving as the date of each the date of the initial application, and the benefit of the right of priority, if any.

Priority not to be refused because of absence of certain elements in application.

H. Priority cannot be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims made in the application in the country of origin, provided that the application, as a whole, discloses precisely the aforesaid elements.

#### ARTICLE 4 *bis*

Independence of patents applied for.

(1) Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of the patents obtained for the same invention in other countries, whether or not such countries be parties to the Union.

(2) This stipulation must receive a strict interpretation; in particular, it shall be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for refusal and revocation and as regards their normal duration.

(3) This stipulation shall apply to all patents already existing at the time when it shall come into effect.

(4) The same stipulation shall apply, in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

(5) Patents obtained with the benefit of priority shall enjoy, in the different countries of the Union, a duration equal to that which they would have enjoyed if they had been applied for or granted without the benefit of priority.

#### ARTICLE 4 *ter*

Inventor's name.

The inventor shall have the right to be mentioned as such in the patent.

#### ARTICLE 5

Introduction of patented articles.

A. (1) The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the countries of the Union shall not entail forfeiture.

Prevention of abuses.

(2) Nevertheless, each of the countries of the Union shall have the right to take the necessary legislative measures to prevent the abuses

which might result from the exercise of the exclusive rights conferred by the patent; for example, failure to use.

(3) These measures will only provide for the revocation of the patent if the granting of compulsory licenses does not suffice to prevent these abuses.

Revocation of patent.

(4) In any case the issuance of a compulsory license cannot be demanded before the expiration of 3 years beginning with the date of the granting of the patent and this license can be issued only if the patentee does not produce acceptable excuses. No action for the cancelation or revocation of a patent can be introduced before the expiration of 2 years beginning with the issuance of the first compulsory license.

Period allowed before issuance of compulsory license.

(5) The preceding provisions, subject to necessary modifications, shall be applicable to utility models.

Application of provisions to utility models.

B. The protection of designs and industrial models cannot be liable to cancelation either for failure to work or for the introduction of objects corresponding to those protected.

Protection of designs and models.

C. (1) If in a country the use of a registered mark is compulsory, the registration can be canceled only after a reasonable period, and if the interested party cannot justify the causes of his inaction.

Cancelation provision.

(2) The use of a trade mark by the owner, in a form which differs by elements not altering the distinctive character of the mark, in the form under which it was registered in one of the countries of the Union, shall not entail invalidation of the registration, nor shall it diminish the protection accorded to the mark.

Use by owner of trade mark in a form differing by elements not altering its distinctive character.

(3) The simultaneous use of the same mark on identical or similar products by industrial or commercial establishments considered as joint owners of the mark according to the provisions of the national law of the country where protection is sought shall neither prevent registration nor diminish in any way the protection accorded the said mark in any country of the Union, provided the said use does not result in inducing the public into error and is not contrary to public interest.

Simultaneous use by joint owners.

D. Articles shall not be required to bear any sign or mention of the patent, the utility model, or the registration of the trade mark or of the deposit of the industrial design or model for recognition of the right.

Registration, etc., marks unnecessary.

#### ARTICLE 5 bis

(1) A period of grace of at least 3 months shall be granted for the payment of charges prescribed for the maintenance of industrial property rights, subject to the payment of a surcharge, if the internal legislation so provides.

Period of grace for payment of prescribed charges.

(2) For patents of invention, the countries of the Union undertake, moreover, either to prolong the extended period to 6 months at least, or to provide for the restoration of the patent which has lapsed owing to the nonpayment of fees, such provisions remaining subject to the conditions prescribed by internal legislation.

Patents of invention.

ARTICLE 5 *ter*

Acts not considered  
infringements.

In each one of the countries of the Union, the following shall not be considered as infringing the rights of the patentee:

Temporary use of  
patent in body of  
another signatory's  
ship.

1°. The use on board ships of other countries of the Union of any article forming the subject matter of his patent in the body of the ship, in the machinery, tackle, rigging, and other accessories, when such ships shall enter temporarily or accidentally the waters of the country, provided that such article is used there exclusively for the needs of the vessel.

Use in construction,  
etc., of air or land  
locomotive engines;  
conditions.

2°. The use of any article forming the subject matter of the patent in the construction or operation of air or land locomotive engines of the other countries of the Union, or of accessories to these engines, when the latter shall enter the country temporarily or accidentally.

## ARTICLE 6

Trade mark regis-  
tration and protection.

A. Every trade mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in the other countries of the Union under the reservations indicated below. These countries can demand, before proceeding to a final registration, the production of a certificate of registration in the country of origin issued by the competent authority. No legislation shall be required for this certificate.

Marks subject to  
refusal or cancelation.

B. (1) Nevertheless, the following marks may be refused or canceled:

1°. Those which are of such a nature as to infringe upon rights acquired by third parties in the country where protection is applied for.

2°. Those which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin of the products, or time of production, or which have become customary in the current language, or in the bona fide and unquestioned usages of the trade in the country in which protection is sought. In arriving at a decision as to the distinctiveness of the character of a mark, all the circumstances of the case must be taken into account, and in particular the length of time that such a mark has been in use.

3°. Those which are contrary to morality or public order, especially those which are of a nature to deceive the public. It is to be understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some legislative requirement concerning trade marks, except in circumstances where this requirement itself concerns public order.

(2) Trade marks cannot be refused in the other countries of the Union on the sole ground that they only differ from the marks protected in the country of origin by elements not altering the distinctive character and not affecting the identity of the marks in the form under which they have been registered in the aforesaid country of origin.

Country of origin  
defined.

C. The following shall be deemed the country of origin:

The country of the Union where the applicant has an actual and genuine industrial or commercial establishment; and, if he has not such an establishment, the country of the Union where he has his domicile; and, if he has not a domicile in the Union, the country of his nationality in the case where he is under the jurisdiction of a country of the Union.

D. When a trade mark shall have been duly registered in the country of origin, then in one or more of the other countries of the Union, each one of these national marks shall be considered, from the date on which it shall have been registered, as independent of the mark in the country of origin, provided it conforms to the internal law of the country of importation.

Independence of trade marks.

E. In no case shall the renewal of the registration of a trade mark in the country of origin involve the obligation of renewal of the registration of the mark in other countries of the Union in which the mark has been registered.

Renewal.

F. The benefits of priority shall subsist in trade-mark applications filed in the period allowed by article 4, even when the registration in the country of origin is completed only after the expiration of such period.

Priority benefits.

#### ARTICLE 6 *bis*

(1) The countries of the Union agree to refuse or to invalidate either administratively, if their legislation so permits, or at the request of an interested party, the registration of a trade mark which constitutes a reproduction, limitation, or translation, liable to create confusion with a mark considered by the competent authority of the country of registration to be well known there as being already a mark of a person entitled to the benefits of the present convention and used for identical or similar products. The same shall apply when the essential part of the mark constitutes a reproduction of a well-known mark or an imitation likely to cause confusion therewith.

Trade marks constituting reproduction, etc., refusal or invalidation of registration.

(2) A period of at least 3 years must be granted in order to claim the cancelation of these marks. The period shall start from the date of registration of the mark.

Period for claiming cancelation.

(3) No period shall be established to claim the cancelation of marks registered in bad faith.

Marks registered in bad faith.

#### ARTICLE 6 *ter*

(1) The countries of the Union undertake to refuse or invalidate registration, and to prohibit by appropriate means the use, failing authorization from the competent authority, whether as a trade mark or as the components of such, of all coats of arms, flags, and other state emblems of countries of the Union, official control and guarantee signs and stamps adopted by them, and any imitation thereof from an heraldic point of view.

Coats of arms, etc., refusal of registration.

(2) The prohibition of official control and guarantee signs and stamps shall apply only in cases where marks which comprise them are intended to be used on merchandise of the same or a similar nature.

Official control and guarantee signs, etc.

Mutual exchange of  
lists.

(3) For the application of these provisions the countries of the Union agree to communicate reciprocally, through the intermediary of the International Bureau of Bern, the list of state emblems and official control and guarantee signs and stamps which they desire, or will desire, to place, wholly or with certain reservations, under the protection of the present article, as well as any subsequent modifications added to the list. Each country of the Union shall place the communicated list at the disposal of the public in due course.

Transmittal of ob-  
jections; time period.

(4) Each country of the Union may, within a period of 12 months from the receipt of the notification, and through the intermediary of the International Bureau of Bern, transmit its possible objections to any other country concerned.

State emblems.

(5) For state emblems which are well known, the provisions of paragraph 1 shall be applicable only to marks registered after November 6, 1925.

(6) For state emblems which are not well known, and for official signs and stamps, these provisions shall be applicable only to marks registered more than 2 months after the receipt of the notification contemplated in paragraph 3.

In case of bad faith.

(7) In case of bad faith, the countries shall have the right to cancel even the marks registered before November 6, 1925, and embodying state emblems, signs, and stamps.

Authority to use  
similar marks, etc.

(8) Nationals of each country who are authorized to make use of state emblems, and signs and stamps of their country, may use them even if there be a similarity with those of another country.

Unauthorized use in  
trade of state coats of  
arms, etc.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of state coats of arms of other countries of the Union, when such use is liable to cause confusion as to the origin of the product.

(10) The preceding provisions shall not prevent the countries from exercising the right to refuse or to invalidate, by application of item 3°, paragraph (1), letter B, of article 6, marks including, without authorization, coats of arms, flags, decorations, and other state emblems or official signs and stamps adopted by a country of the Union.

#### ARTICLE 6 *quater*

Assignments.

(1) When in accordance with the laws of a country of the Union the assignment of a mark is valid only if it takes place at the same time as the transfer of the enterprise or business and goodwill to which the mark belongs, it will suffice, for the admission of the validity of such transfer, that the part of the enterprise or business and goodwill which is located in this country be transferred to the assignee with the exclusive right therein to manufacture or sell products under the mark which has been assigned.

(2) This provision shall not impose upon the countries of the Union the obligation of considering as valid the transfer of any mark whose use by the assignee would, in fact, be of such a nature as to deceive the public, especially as regards the place of origin, the nature, or the material qualities of the products to which the mark is applied.

## ARTICLE 7

The nature of the goods on which the trade mark is to be used can in no case form an obstacle to the registration of the trade mark.

Nature of goods no obstacle to registration.

ARTICLE 7 *bis*

(1) The countries of the Union undertake to allow the filing of and to protect collective marks belonging to associations, the existence of which is not contrary to the law of the country of origin, even if these associations do not possess an industrial or commercial establishment.

Collective marks belonging to associations.

(2) Each country shall be the judge as to the particular conditions under which a collective mark shall be protected, and it can refuse protection if this mark is contrary to public interest.

(3) However, the protection of these marks cannot be refused to any association whose existence is not contrary to the law of the country of origin, on the ground that it is not established in the country where protection is sought, or that it is not organized in conformity with the law of that country.

## ARTICLE 8

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trade mark.

Protection of trade name.

## ARTICLE 9

(1) All goods illegally bearing a trade mark or trade name shall be seized at importation into those countries of the Union where this mark or name has a right to legal protection.

Goods illegally bearing trade mark or trade name, seizure.

(2) Seizure shall likewise be effected in the country where the mark or name was illegally applied, or in the country into which the article bearing it has been imported.

(3) The seizure shall take place at the request either of the proper government department or of any other competent authority, or of any interested party, whether an actual or a legal person, in conformity with the domestic laws of each country.

(4) The authorities shall not be bound to effect the seizure in transit.

(5) If the law of a country does not permit seizure at importation, such seizure shall be replaced by prohibition to import or by seizure within such country.

(6) If the law of any country permits neither seizure at importation, nor prohibition to import, nor seizure within the country, and until such time as this law shall be accordingly modified, these measures shall be replaced by the remedies assured to nationals, in such cases, by the law of such country.

## ARTICLE 10

(1) The stipulations of the preceding article shall be applicable to every product which may falsely bear as indication of origin, the

Products bearing false indication of origin.

name of a specified locality or country when such indication shall be joined to a trade name of a fictitious character or used with intent to defraud.

(2) Any producer, manufacturer, or trader engaged in the production, manufacture, or trade of such goods and established either in the locality falsely designated as the place of origin, or in the district in which the locality is situated, or in the country falsely designated, or in the country where the false indication of origin is used, shall be deemed in all cases a party concerned, whether such person be actual or legal.

#### ARTICLE 10 *bis*

Protection against unfair competition.

(1) The countries of the Union are bound to assure to nationals of countries of the Union an effective protection against unfair competition.

(2) Any act of competition contrary to honest practice in industrial or commercial matters constitutes an act of unfair competition.

Acts particularly forbidden.

(3) The following particularly are to be forbidden:

1°. All acts whatsoever of a nature to create confusion in any way whatsoever with the establishment, the goods, or the services of the competitor;

2°. False allegations in the conduct of trade of a nature to discredit the establishment, the goods, or the services of a competitor.

#### ARTICLE 10 *ter*

Legal remedies.

(1) The countries of the Union undertake to assure to the nationals of other countries of the Union appropriate legal remedies to repress effectively all acts set forth in articles 9, 10, and 10*bis*.

(2) They undertake, moreover, to provide measures to permit syndicates and associations representing the manufacturers, producers, or merchants interested, and of which the existence is not contrary to the laws of their country, to take action in justice or before the administrative authorities, with a view to the repression of the acts set forth in articles 9, 10, and 10 *bis*, so far as the law of the country in which protection is claimed permits such action to the syndicates and associations of that country.

#### ARTICLE 11

Temporary protection at international exhibitions.

(1) The countries of the Union shall, in conformity with their own national legislation, accord temporary protection to patentable inventions, to utility models, and to industrial designs or models, as well as to trade marks in respect of products which shall be exhibited at official, or officially recognized, international exhibitions held in the territory of one of them.

Rights of priority.

(2) This temporary protection shall not prolong the periods provided by article 4. If later the right of priority is invoked, the competent authority of each country may date the period from the date of the introduction of the product into the exhibition.

(3) Each country may require, as proof of the identity of the object exhibited and of the date of introduction, such proofs as it may consider necessary.

Proof of identity.

#### ARTICLE 12

(1) Each one of the countries of the Union undertakes to establish a special government service for industrial property, and a central office for communication to the public of patents, utility models, industrial designs, or models and trade marks.

Establishment of special government service for industrial property, etc.

(2) This service shall publish an official periodical paper. It shall publish regularly—

(a) The names of the owners of the patents granted with a short designation of the patented inventions;

(b) Reproductions of the marks which have been registered.

#### ARTICLE 13

(1) The international office, established at Bern under the name of International Bureau for the Protection of Industrial Property, is placed under the high authority of the Government of the Swiss Confederation, which is to regulate its organization and supervise its working.

International Bureau at Bern.

(2) The official language of the International Bureau shall be French.

Official language.

(3) The International Bureau shall centralize information of every kind relating to the protection of industrial property; it shall collect and publish such information. It shall make a study of all matters of common utility to the Union and shall prepare, with the help of documents supplied to it by the various administrations, a periodical paper in the French language, dealing with questions regarding the purpose of the Union.

Functions.

(4) The numbers of this paper, as well as the documents published by the International Bureau, are circulated among the administrations of the countries of the Union in proportion to the number of contributing units as mentioned below. Such further copies as may be ordered, either by said administrations or by companies or private persons, shall be paid for separately.

Circulation of paper, etc.

(5) The International Bureau shall, at all times, hold itself at the service of members of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. The Director of the International Bureau will furnish an annual report on management which shall be communicated to all the members of the Union.

Availability.

Annual report.

(6) The ordinary expenses of the International Bureau will be borne by the countries of the Union in common. Until further instructions, they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, in cases of necessity, by a unanimous decision of one of the conferences provided for by article 14.

Ordinary expenses.

(7) The ordinary expenses shall not include the costs relating to the work of plenipotentiary or administrative conferences nor the costs

Items not included.



brought about by special work or by publications made in conformity with the decisions of a conference. These costs, of which the annual amount cannot exceed 20,000 Swiss francs, shall be apportioned among the countries of the Union in proportion to their contribution for the working of the International Bureau in accordance with the provisions of paragraph (8) hereinafter.

Determination of  
quotas.

(8) To determine the part which each country should contribute to this total of expenses, the countries of the Union and those which may afterwards join the Union shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:

	<i>Units</i>
First class.....	25
Second class.....	20
Third class.....	15
Fourth class.....	10
Fifth class.....	5
Sixth class.....	3

These coefficients shall be multiplied by the number of countries in each class, and the sum of the results thus obtained shall give the number of units by which the total expense must be divided. The quotient shall give the amount of the unit of expense.

Designation of  
classes.

(9) Each one of the countries of the Union will designate, at the time of its accession, the class in which it wishes to be placed. However, each country of the Union may state later that it wishes to be placed in another class.

Supervision of ex-  
penses, etc.

(10) The Government of the Swiss Confederation shall superintend the expenses of the International Bureau, advance the necessary funds, and render an annual account which shall be communicated to all the other administrations.

ARTICLE 14

Revisions author-  
ized.

(1) The present convention shall be submitted to periodical revisions with a view to the introduction therein of amendments calculated to improve the system of the Union.

(2) For this purpose conferences shall be held successively in one of the contracting countries between the delegates of the said countries.

(3) The administration of the country in which the conference is to be held shall prepare for the work of that conference, with the assistance of the International Bureau.

Attendance of Di-  
rector.

(4) The Director of the International Bureau shall be present at the meetings of the conferences, and shall take part in the discussions, but without the privilege of voting.

ARTICLE 15

Separate arrange-  
ments authorized.

It is agreed that the countries of the Union respectively reserve to themselves the right to make separately as between themselves special arrangements for the protection of industrial property insofar as such arrangements do not contravene the provisions of the present convention.

## ARTICLE 16

(1) The countries which have not taken part in the present convention shall be permitted to adhere to it upon their request. Adherence of non-participating countries.

(2) Such adherence shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the other Governments.

(3) It shall entail, as a matter of right, accession to all the classes, as well as admission to all the advantages stipulated in the present convention, and shall take effect 1 month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated in the request for adherence.

ARTICLE 16 *bis*

(1) Each one of the countries of the Union may, at any time, notify the Government of the Swiss Confederation, in writing, that the present convention shall be applicable to all or a part of its colonies, protectorates, territories under mandate or all other territories subject to its authority, or all territories under sovereignty, and the convention shall apply to all territories specified in the notification 1 month after the sending of the communication by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date has been indicated in the notification. In the absence of this notification, the convention shall not apply to these territories. Application of provisions to colonies, etc.

(2) Each one of the countries of the Union may, at any time, notify the Government of the Swiss Confederation, in writing, that the present convention has ceased to be applicable to all or a part of the territories which have been made the object of the notification provided for in the preceding paragraph, and the convention shall cease to apply in the territories designated in this notification 12 months after receipt of the notification addressed to the Government of the Swiss Confederation. Denunciation.

(3) All notifications sent to the Government of the Swiss Confederation, in conformity with the provisions of paragraphs 1 and 2 of the present article, shall be communicated by this Government to all the countries of the Union. Notice to signatory countries.

## ARTICLE 17

The execution of the reciprocal engagements contained in the present convention shall be subordinated, insofar as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the countries of the Union which are bound to enforce the same, which they undertake to do with as little delay as possible. Execution subject to legislation.

ARTICLE 17 *bis*

## Duration.

(1) The convention shall remain in force for an unlimited time, until the expiration of 1 year from the date of its denunciation.

## Denunciation.

(2) This denunciation shall be addressed to the Government of the Swiss Confederation. It shall be effective only for the country in whose name it shall have been made, the convention remaining in operation as regards the other countries of the Union.

## ARTICLE 18

## Ratification.

(1) The present act shall be ratified and the instruments of ratification shall be deposited in London not later than the 1st of July 1938. It shall come into force, between the countries in whose names it shall have been ratified, 1 month after such date. However, if before July 1, 1938, it is ratified in the name of at least six countries, it shall come into force between those countries 1 month after the Government of the Swiss Confederation has notified them of the deposit of the sixth ratification, and for the countries in whose names it shall have been ratified thereafter, 1 month after the notification of each of these ratifications.

## Date of coming into force.

## Adherence provision.

(2) The countries in whose names no instruments of ratification shall have been deposited within the period of time contemplated in the preceding paragraph shall be permitted to adhere under the terms of article 16.

Former convention superseded.  
26 Stat. 1372; 32 Stat. 1930; 38 Stat. 1645; 47 Stat. 1789.

(3) The present act shall replace, as regards relations between the countries to which it applies, the Convention of the Union of Paris of 1883 and the subsequent acts of revision.

## Countries to which present act inapplicable.

(4) As regards the countries to which the present act does not apply, but to which the Convention of the Union of Paris, as revised at The Hague in 1925, does apply, the latter shall remain in force.

## Countries to which neither present act nor Paris convention, as revised, applies.

(5) Likewise, as regards the countries to which neither the present act nor the Convention of the Union of Paris, as revised at The Hague, applies, the Convention of the Union of Paris as revised in Washington in 1911 shall remain in force.

## ARTICLE 19

## Deposit of original act.

The present act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. A certified copy shall be forwarded by the latter to each of the governments of the countries of the Union.

Done at London in a single copy, on June 2, 1934.

## Signatures.

*For Germany:*

HOESCH  
GEORG KLAUER  
WOLFGANG KÜHNAST  
HERBERT KÜHNEMANN

*For Austria:*

DR. HANS WERNER

*For Belgium:*

COPPIETERS DE GIBSON

THOMAS BRAUN

*For the United States of Brazil:*

J. A. BARBOZA-CARNEIRO

*For Cuba:*

GABRIEL SUÁREZ SOLAR

*For Denmark:*

N. J. EHRENREICH-HANSEN

*For the Free City of Danzig:**For Spain:*

RAMÓN PÉREZ DE AYALA

FERNANDO CABELLO LAPIEDRA

JOSÉ GARCÍA MONGE

*For the United States of America:*

CONWAY P. COE

JOHN A. DIENNER

THOMAS EWING

*For Finland:*

J. KAUTOLA

*For France:*

MARCEL PLAISANT

ROGER CAMBON

GEORGES LAINEL

GEORGES MAILLARD

*For Great Britain and Northern Ireland:*

F. W. LEITH-ROSS

M. F. LINDLEY

WILLIAM S. JARRATT

*For Australia:*

B. WALLACH

*For the Irish Free State:**For Hungary:*

SCHILLING ZOLTÁN

*For Italy:*

EDUARDO PIOLA CASELLI

LUIGI BIAMONTI

ALFREDO JANNONI SEBASTIANINI

Signatures—Contd.

*For Japan:*

M. HOTTA

TAKATSUGU YOSHIWARA

*For Liechtenstein:*

W. KRAFT

*For Morocco:*

HALGOUËT

*For the United Mexican States:*

G. LUDERS DE NEGRI

*For Norway:*

B. G. WYLLER

*For the Netherlands:*

J. ALINGH PRINS

J. VAN HETTINGA TROMP

A. D. KOELEMAN

H. F. VAN WALSEM

*For Poland:*

STEFAN CZAYKOWSKI

*For Portugal:*

JOÃO DE LEBRE E LIMA

ARTHUR DE MELLO QUINTELLA SALDANHA

*For Sweden:*

BIRGER LINDGREN

ÅKE DE ZWEIGBERGK

*For Syria and the Lebanon:*

MARCEL PLAISANT

*For Switzerland:*

W. KRAFT

*For Czechoslovakia:*

DR. KAREL SKÁLA

DR. OTTO PARSCH

*For Tunis:*

C. BILLECOCQ

*For Turkey:*

A. FETHI

*For Yugoslavia:*

DR. JANKO CHOUMANE (ŠUMAN)

*Modification of Annex II (6) (a) of the convention between the United States of America and other powers signed at London July 5, 1930, establishing load lines. Proposed by the Government of Australia; communicated to the Government of the United States of America by the Government of the United Kingdom October 22, 1936; ratification advised by the Senate June 7, 1937; ratified by the President June 16, 1937; ratification of the United States of America deposited at London July 12, 1937; declaration of acceptance by all parties to the convention, issued by the Foreign Office at London August 23, 1938; proclaimed December 12, 1938.*

October 22, 1936

[T. S. No. 942]

## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS an International Convention establishing uniform principles and rules with regard to the limits to which ships on international voyages may be loaded, signed at London on July 5, 1930, was ratified on the part of the United States of America on May 1, 1931, and the instrument of ratification was deposited with the Government of the United Kingdom of Great Britain and Northern Ireland on June 10, 1931;

International Load  
Line Convention,  
modification.  
Preamble.  
47 Stat. 2228.

AND WHEREAS, by the provisions of paragraph 1 of Article 20 of the said Convention, modifications of the Convention "which may be deemed useful or necessary improvements may at any time be proposed by any Contracting Government to the Government of the United Kingdom of Great Britain and Northern Ireland" which latter Government shall communicate such proposals to all the other Contracting Governments, and if any such modifications are accepted by all the Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective), the Convention shall be modified accordingly;

47 Stat. 2252.

AND WHEREAS, after the ratification of the said Convention by the United States of America, the Government of the Commonwealth of Australia proposed a modification of Annex II to the Convention as follows:

Proposal by the  
Commonwealth of  
Australia.

"After the words 'south of latitude 11° South' in paragraph (6) (a) of the section headed 'Seasonal Areas', there shall be added the words 'Mackay to be considered as being on the boundary of the 'Seasonal Tropical' and 'Summer' zones'";

AND WHEREAS the said modification, having been communicated according to the provisions of the said Article 20 by the Government of the United Kingdom of Great Britain and Northern Ireland to the Government of the United States of America and to all the other Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective);

Ratification of modification by United States.  
Acceptance by all other Contracting Governments.

AND WHEREAS the said modification has been duly ratified on the part of the United States of America and has been accepted by all the other Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective), as is evidenced by a declaration issued by the Foreign Office at London on August 23, 1938, a certified copy of which is hereto annexed;

Proclamation.

47 Stat. 2356.

Text of modification.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said modification to be made public to the end that Annex II (6) (a), as modified, shall be observed and fulfilled with good faith by the United States of America and by the citizens thereof, the same as if the said Annex II (6) (a) had originally read as follows:

“(6) *In the South Pacific Ocean.*

“(a) An area bounded on the north by the parallel of lat. 11° S., on the west by the east coast of Australia, on the south by the parallel of lat. 26° S., and on the east by the meridian of 175° E., together with the Gulf of Carpentaria south of lat. 11° S., Mackay to be considered as being on the boundary of the ‘seasonal tropical’ and ‘summer’ zones.

“Tropical: 1st April to 30th November.

“Summer: 1st December to 31st March.”

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this twelfth day of December in the year of our Lord one thousand nine hundred and [SEAL] thirty-eight and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

[FOREIGN OFFICE SEAL]

## [DECLARATION]

Whereas by the provisions of paragraph 1 of Article 20 of the International Convention respecting Load Lines, signed in London on the 5th July, 1930, viz:—

“Modifications of this Convention which may be deemed useful or necessary improvements may at any time be proposed by any Contracting Government to the Government of the United Kingdom of Great Britain and Northern Ireland, and such proposals shall be communicated by the latter to all the other Contracting Governments, and if any such modifications are accepted by all the Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective) this Convention shall be modified accordingly.”

the provisions of the Convention may be modified;

And Whereas the Government of the Commonwealth of Australia, being a Contracting Government, have proposed a modification of Annex II to the Convention the terms of which are as follows:

After the words “south of latitude 11° South” in paragraph (6) (a) of the section headed “Seasonal Areas”, there shall be added the words “Mackay to be considered as being on the boundary of the ‘Seasonal Tropical’ and ‘Summer zones’”;

Considérant que conformément à l’alinéa I de l’Article 20 de la Convention internationale sur les Lignes de Charge, signée à Londres le 5 juillet, 1930, à savoir:—

“Les modifications à la présente Convention qui pourraient être considérées comme des améliorations utiles ou nécessaires peuvent en tout temps être proposées par un Gouvernement contractant au Gouvernement du Royaume-Uni de Grande-Bretagne et d’Irlande du Nord. Ces propositions doivent être communiquées par ce dernier à tous les autres Gouvernements contractants; si l’une quelconque de ces modifications est acceptée par tous les Gouvernements contractants (y compris les Gouvernements ayant déposé des ratifications ou adhésions qui ne sont pas encore devenues effectives) la présente Convention sera modifiée en conséquence.”

les dispositions de la Convention peuvent être modifiées;

Considérant que le Gouvernement du Commonwealth d’Australie, en qualité de Gouvernement contractant, a proposé une modification de l’Annexe II de la Convention dont les termes ci-après:

Après les mots “au Sud du parallèle de latitude 11° S” à l’alinéa (6) (a) de la section intitulée “Régions périodiques” seront ajoutés les mots “Mackay est considéré comme étant sur la ligne de démarcation de la ‘zone tropicale périodique’ et la ‘zone d’été’”;

Declaration of acceptance.  
47 Stat. 2252.



And Whereas the said modification, having been communicated, according to the provisions of the said Article 20, to all the other Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective), is accepted by the said Governments;

I the Undersigned, Principal Secretary of State for Foreign Affairs of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, hereby declare that, as from this date, Annex II to the said Convention is modified accordingly.

In witness whereof I have signed the present declaration with my own hand.

Done at the Foreign Office, London, the 23rd day of August, 1938.

(Signed) HALIFAX.

Considérant que ladite modification, ayant été communiquée, conformément aux dispositions dudit Article 20, à tous les autres Gouvernements contractants (y compris les Gouvernements ayant déposé des ratifications ou adhésions qui ne sont pas encore devenues effectives), est acceptée par les dits Gouvernements;

Je, soussigné, Principal Secrétaire d'Etat pour les Affaires Etrangères de Sa Majesté le Roi de Grande-Bretagne, d'Irlande et des Territoires britanniques au delà des Mers, Empereur des Indes, déclare qu'à partir de cette date, l'Annexe II de ladite Convention est modifié en conséquence.

En foi de quoi j'ai signé la présente déclaration de ma propre main.

Fait au Foreign Office, Londres, le 23 août, 1938.

(Signé) HALIFAX.

*Convention between the United States of America and Switzerland regulating military obligations of certain persons having dual nationality. Signed at Bern November 11, 1937; ratification advised by the Senate June 13, 1938; ratified by the President July 5, 1938; ratified by Switzerland November 18, 1938; ratifications exchanged at Bern December 7, 1938; proclaimed December 13, 1938.*

November 11, 1937  
[T. S. No. 943]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS a convention between the United States of America and Switzerland regulating the military obligations of certain individuals possessing both American and Swiss nationality was concluded and signed by the respective Plenipotentiaries of the two countries at Bern on the eleventh day of November, one thousand nine hundred and thirty-seven, the original of which convention, being in the English and French languages, is word for word as follows:

Convention with Switzerland regulating the military obligations of certain persons having dual nationality.  
Preamble.

**Convention  
between the United States of America and Switzerland  
relative  
to military obligations of certain persons  
having dual nationality.**

Contracting powers.

**Convention  
entre les Etats-Unis d'Amérique et la Suisse  
relative  
aux obligations militaires de certains doubles nationaux.**

The President of the United States of America

Le Président des Etats-Unis d'Amérique

Purposes declared.

and  
the Swiss Federal Council,  
animated by the desire of regulating the military obligations of certain individuals possessing both American and Swiss nationality, have resolved to conclude a convention to that effect and have named as their Plenipotentiaries:

et  
le Conseil Fédéral Suisse,  
animés du désir de régler les obligations militaires de certains individus possédant à la fois la nationalité américaine et la nationalité suisse, ont résolu de conclure une convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir:

Plenipotentiaries.

The President of the United States of America:

Le Président des Etats-Unis d'Amérique:

Mr. Leland Harrison, Envoy extraordinary and Minister plenipo-

Monsieur Leland Harrison, Envoyé extraordinaire et Ministre

tentiary of the United States of America, in Berne; plénipotentiaire des Etats-Unis d'Amérique, à Berne;

The Swiss Federal Council: Le Conseil Fédéral Suisse:

Mr. Giuseppe Motta, President of the Confederation, Chief of the Federal Political Department, who, after having exchanged their full powers, found in good and due form, have agreed upon the following provisions: Monsieur Giuseppe Motta, Président de la Confédération, Chef du Département Politique Fédéral, lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des stipulations ci-après:

#### ARTICLE 1.

#### ARTICLE PREMIER.

Persons with double nationality, temporary stay in country of parents but not of birth.

A person, born in the territory of one of the two Parties, of parents who are nationals of the other, who possesses the nationality of these two States and has his habitual residence in the State of his birth, shall not be held liable by the other State for military service or for payment of taxes in lieu thereof, even in the case of a temporary stay in the territory of the latter State. However, if this stay is protracted beyond the period of two years, it shall be presumed to be permanent, unless the person can show his intention of returning to his native land shortly after the lapse of this period.

Presumption of permanent stay.

Une personne, née sur le territoire de l'une des deux Parties de parents nationaux de l'autre, qui possède la nationalité de ces deux Etats et a sa résidence habituelle dans l'Etat de sa naissance ne sera pas astreinte par l'autre Etat au service militaire ou, à sa place, au paiement de taxes, même en cas de séjour temporaire sur le territoire de ce dernier. Toutefois, si ce séjour dépasse le délai de deux ans, il sera présumé permanent, à moins que l'intéressé ne puisse démontrer son intention de retourner dans son pays natal peu de temps après l'échéance de ce délai.

#### ARTICLE 2.

#### ARTICLE 2.

Ratification.

The present convention shall be ratified.

La présente convention sera ratifiée.

Effective date and duration.

It shall become effective upon the exchange of the instruments of ratification and shall continue in effect for three years. At the end of this time, either of the Parties may denounce it at any time, subject to notice given six months in advance.

Elle entrera en vigueur dès l'échange des instruments de ratification et continuera à déployer ses effets pendant trois ans. Passé ce délai, chacune des Parties aura la faculté de la dénoncer en tout temps, moyennant avertissement donné six mois à l'avance.

Signatures.

In witness whereof, the above-named Plenipotentiaries have signed this convention and have hereunto affixed their seals.

En foi de quoi, les Plénipotentiaires susnommés ont signé la présente convention et y ont apposé leurs sceaux.

Done at Berne, in duplicate, in   Fait à Berne, en double expé-  
the English and French languages, dition, en langues anglaise et  
the eleventh day of November française, le onze novembre mil  
nineteen hundred and thirty seven. neuf cent trente-sept.

[SEAL]     LELAND HARRISON.

[SEAL]     MOTTA.

AND WHEREAS the said convention has been duly ratified on both  
parts, and the ratifications of the two Governments were exchanged in  
the city of Bern on the seventh day of December, one thousand nine  
hundred and thirty-eight;

Exchange of ratifi-  
cations.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt,  
President of the United States of America, have caused the said  
convention to be made public, to the end that the same and every  
article and clause thereof may be observed and fulfilled with good  
faith by the United States of America and the citizens thereof.

Proclamation.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States  
of America to be hereunto affixed.

DONE at the city of Washington this thirteenth day of December in  
the year of our Lord one thousand nine hundred and  
[SEAL] thirty-eight and of the Independence of the United States  
of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

*Protocol between the United States of America and other powers amending the International Agreement for the Regulation of Whaling, signed in London June 8, 1937. Signed at London June 24, 1938; ratification advised by the Senate March 8, 1939; ratified by the President March 16, 1939; ratification of the United States of America deposited at London March 30, 1939; proclaimed April 8, 1939. With certificate of extension and Final Act of the Conference.*

June 24, 1938

[T. S. No. 944]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Regulation of whaling.  
Preamble.

52 Stat. 1460.

Post, p. 1799.

WHEREAS a Protocol amending the International Agreement for the Regulation of Whaling, signed in London on June 8, 1937, which Agreement was continued in force after June 30, 1938 in the manner prescribed in Article 21 thereof, as is evidenced by a certificate issued by the Foreign Office in London on June 29, 1938, a copy of which is hereto attached, was signed at London on June 24, 1938 by the respective Plenipotentiaries of the Government of the United States of America, the Government of the Union of South Africa, the Government of the Argentine Republic, the Government of the Commonwealth of Australia, the Government of Canada, the Government of Eire, the Government of Germany, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of New Zealand, and the Government of Norway, a true copy of which Protocol as certified by the Librarian and Keeper of the Papers at the Foreign Office in London, is word for word as follows:

### PROTOCOL.

Contracting Gov-  
ernments.

52 Stat. 1464.

THE Governments of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Canada, Eire, Germany, the United Kingdom of Great Britain and Northern Ireland, New Zealand and Norway, desiring to introduce certain amendments into the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement) in accordance with the provisions of Article 21 thereof, have agreed as follows:—

### ARTICLE 1.

Factory ship, etc.,  
use restricted.  
52 Stat. 1461.

Humpback whales.

With reference to the provisions of Articles 5 and 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback

whales in any waters south of 40° South Latitude during the period from the 1st October, 1938, to the 30th September, 1939.

#### ARTICLE 2.

Notwithstanding the provisions of Article 7 of the Principal Agreement, it is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westwards as far as 160° West Longitude for a period of two years from the 8th day of December, 1938.

Baleen whales.  
52 Stat. 1461.

#### ARTICLE 3.

(1) No factory ship which has been used for the purpose of treating baleen whales south of 40° South Latitude shall be used for that purpose elsewhere within a period of twelve months from the end of the open season prescribed in Article 7 of the Principal Agreement.

Factory ships.  
Use of, for treatment elsewhere after close of open season.

(2) Only such factory ships as have operated during the year 1937 within the territorial waters of any signatory Government shall, after the signature of this Protocol, so operate, and any such ships so operating shall be treated as land stations and remain moored in territorial waters in one position during the season and shall operate for not more than six months in any period of twelve months, such period of six months to be continuous.

Operation within territorial waters of signatory Government restricted.  
Treatment as land stations.

#### ARTICLE 4.

To Article 5 of the Principal Agreement there shall be added the following:—

52 Stat. 1461.

“except that blue whales of not less than 65 feet, fin whales of not less than 50 feet and sperm whales of not less than 30 feet in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.”

Killing of blue, etc., whales for local consumption as food.

#### ARTICLE 5.

To Article 7 of the Principal Agreement there shall be added the following:—

52 Stat. 1461.

“Notwithstanding the above prohibition of treatment during a close season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.”

Treatment of whales after end of open season.

#### ARTICLE 6.

In Article 8 of the Principal Agreement the word “baleen” shall be inserted after the word “treating.”

Textual correction.  
52 Stat. 1461.

## ARTICLE 7.

52 Stat. 1461.  
Substituted areas.

For the areas specified in (a), (b), (c) and (d) of Article 9 of the Principal Agreement there shall be substituted the following areas, viz.:—

- (a) in the waters north of 66° North Latitude; except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of whales by such ship or catcher shall be permitted between 66° North Latitude and 72° North Latitude;
- (b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;
- (c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;
- (d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
- (e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

## ARTICLE 8.

52 Stat. 1462.  
Taking of whales  
for delivery to factory  
ship.

For Article 12 of the Principal Agreement there shall be substituted the following, viz.: The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass shall remain in the sea for a longer period than 33 hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment.

## ARTICLE 9.

Provisional entry  
into force.

The present Protocol shall come into force provisionally on the first day of July, 1938, to the extent to which the signatory Governments are respectively able to enforce it.

## ARTICLE 10.

Ratification, etc.

(i) The present Protocol shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible.

Definitive entry  
into force.

(ii) It shall come into force definitively upon the deposit of the instruments of ratification by the Governments of the United Kingdom, Germany and Norway.

Other Governments  
parties to Principal  
Agreement.

(iii) For any other Government which is a party to the Principal Agreement, the present Protocol shall come into force on the date of the deposit of its instrument of ratification or notification of accession.

(iv) The Government of the United Kingdom will inform the other Governments of the date on which the Protocol comes into force and the date of any ratification or accession received subsequently.

## ARTICLE 11.

Accessions.

(i) The present Protocol shall be open to accession by any Government which has not signed it and which accedes to the Principal Agreement before the definitive entry into force of the Protocol.

(ii) Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

(iii) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Protocol of all accessions received and the date of their receipt.

#### ARTICLE 12.

Any ratification of or accession to the Principal Agreement which may be deposited or notified after the date of definitive coming into force of the present Protocol shall be deemed to relate to the Principal Agreement as amended by the present Protocol.

Ratifications or accessions, relation to Principal Agreement.

In witness whereof the undersigned, duly authorised thereto, have signed the present Protocol.

Signatures.

Done in London the twenty-fourth day of June, 1938, in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be communicated to all the signatory Governments.

*For the Government of the Union of South Africa:*

C. T. TE WATER.

F. J. DU TOIT.

*For the Government of the United States of America:*

HERSCHEL V. JOHNSON.

REMINGTON KELLOGG.

WILFRID N. DERBY.

*For the Government of the Argentine Republic:*

MANUEL E. MALBRAN.

M. FINCATI.

*For the Government of the Commonwealth of Australia:*

ROBERT G. MENZIES.

*For the Government of Canada:*

VINCENT MASSEY.

*For the Government of Eire:*

SEAN O'FAOLAIN O'DULCHAONTIGH.

J. D. RUSH.

*For the Government of Germany:*

HELMUTH WOHLTAT.

*For the Government of the United Kingdom of Great Britain and Northern Ireland:*

HENRY G. MAURICE.

GEO. HOGARTH.

*For the Government of New Zealand:*

W. J. JORDAN.

*For the Government of Norway:*

BIRGER BERGERSEN.



Deposit of ratifications.

AND WHEREAS the Governments of the United Kingdom of Great Britain and Northern Ireland, Germany, and Norway, having deposited their instruments of ratification of the said Protocol with the Government of the United Kingdom, the last on December 30, 1938, the said Protocol came into force definitively on December 30, 1938, in accordance with Section (ii) of Article 10 thereof;

*Ante*, p. 1796.

AND WHEREAS it is provided by Section (iii) of the said Article 10 that for any other Government which is a party to the principal Agreement of June 8, 1937, the Protocol shall come into force on the date of the deposit of that Government's instrument of ratification or notification of accession;

52 Stat. 1460.

AND WHEREAS the said Protocol has been duly ratified by the Government of the United States of America and its instrument of ratification was deposited with the Government of the United Kingdom of Great Britain and Northern Ireland on March 30, 1939;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Protocol signed on June 24, 1938, amending the International Agreement for the Regulation of Whaling signed on June 8, 1937, to be made public to the end that the same and every article and clause thereof, and the Agreement of June 8, 1937 as amended thereby, may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

52 Stat. 1460.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this eighth day of April in the year of our Lord one thousand nine hundred and thirty-  
[SEAL] nine and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[SEAL OF BRITISH FOREIGN OFFICE]

**[CERTIFICATE OF EXTENSION OF AGREEMENT FOR THE  
REGULATION OF WHALING SIGNED JUNE 8, 1937]**

Whereas the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937 has been ratified by the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand and Norway, and came into force in accordance with the provisions of Article 19 on the 7th day of May, 1938; and

Whereas the Governments of the United States of Mexico and Canada have acceded, with effect from the 7th May, 1938 and the 14th June, 1938, respectively, to the said Agreement in accordance with Article 22 thereof; and

Whereas in consequence the Governments of the United States of America, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, New Zealand, Norway, the United States of Mexico and Canada are contracting Governments; and

Whereas, according to the provisions of Article 21, the said Agreement remains in force until the 30th June, 1938 and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway shall have agreed to extend its duration:

The Undersigned, Principal Secretary of State for Foreign Affairs of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, hereby certifies that, the Governments of the United States of America, Canada, Germany, the United Kingdom of Great Britain and Northern Ireland, Eire, the United States of Mexico, New Zealand and Norway have agreed to extend the duration of the said Agreement, and that the Agreement will accordingly, under the provisions of Article 21, continue in force after the 30th June, 1938.

Witness my hand this 29th day of June, 1938.

Given at the Foreign Office, London.

HALIFAX.

## INTERNATIONAL WHALING CONFERENCE, LONDON—JUNE 1938.

### FINAL ACT OF THE CONFERENCE.

1. IN accordance with the Recommendation contained in paragraph 11 of the Final Act, signed in London on the 8th June, 1937, a further Conference met in London on the 14th June, 1938, and subsequent days to consider modifications or extensions of the existing Agreement, hereinafter referred to as the Principal Agreement.

2. The following Governments sent Delegates to the Conference: Union of South Africa, United States of America, Argentina, Australia, Canada, Denmark, Eire, France, Germany, United Kingdom of Great Britain and Northern Ireland, Japan, New Zealand and Norway. An observer also attended on behalf of the Portuguese Government, and the interests of Newfoundland were watched by the United Kingdom Delegation.

3. The Principal Agreement has been ratified by the Governments of Eire, Germany, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America, whilst Canada and Mexico have since acceded to it. With regard to the remaining signatory Governments, New Zealand has actually ratified the Principal Agreement.

The Argentine Republic is enforcing the Principal Agreement by Executive Decree, and formal ratification is only a matter of time. The Conference understands that ratification of the Principal Agreement by the Governments of the Commonwealth of Australia and of the Union of South Africa has been delayed only by constitutional difficulties. The Conference is confident that these Governments will take steps at the earliest possible moment to remove these difficulties and to ratify. The Government of Denmark has notified its intention of acceding to the Principal Agreement and the Protocol as soon as the necessary powers to enforce their provisions have been obtained by legislation. The Government of France is prepared to accede to the Principal Agreement subject to certain reservations affecting land stations, which are dealt with later in this Act. Towards the end of the proceedings of the Conference the Japanese Delegation informed the Conference that their Government was prepared to take the necessary legislative and other measures to enable them to accede to the Principal Agreement and the Protocol after an interval of a year subject to a reservation in respect of the first paragraph of Article 3 of the Protocol. The Japanese Government is also prepared to observe the principles of the present Agreement as nearly as possible in the meantime. There is no information at present available as to the attitude of Portugal and the Government of Newfoundland has reserved its decision.

4. The necessary majority required by Article 21 of the Principal Agreement for the extension of its duration after the 30th June, 1938, has been secured.

5. The Conference took note of the fact that, according to the statistics of the catch of the last Antarctic season, the opinion expressed in paragraph 2 of the Final Act of the Conference of 1937, that the Principal Agreement was likely to go far in maintaining the stock of whales, had not been justified by the event, inasmuch as the actual number of whales killed (approximately 44,000) and the number of barrels of oil produced (approximately 3,250,000) were, respectively, some 10,000 and 600,000 in excess of the corresponding figures for the previous season.

6. The Conference had also before it a Resolution of the Whaling Committee of the International Council for the Exploration of the Sea, which met in Copenhagen on the 23rd May, 1938, in the following terms:—

“The Committee, viewing with alarm the evident decline of the stock of Blue Whales, is of opinion that nothing less than a limitation of the total amount of whale oil which may be taken in any whaling season can be effective in preserving the stock of Blue Whales from being reduced to the level at which it can no longer be the object of economic exploitation.”

This resolution was adopted by the Council at its concluding Meeting on the 28th May, 1938, with a request that it should be brought to the notice of the Members of the present Conference.

7. In the light of the facts set forth in paragraph 5 above, and the terms of the above Resolution of the Whaling Committee of the International Council for the Exploration of the Sea, the Conference considered the following measures of general application which might be expected to limit the destruction of whales:—

- (a) a further reduction of the open season;
- (b) a limitation of the number of catchers which might be used in connection with each expedition;
- (c) an overhead limitation of output during the Antarctic whaling season, by which is meant that a limit of output should be fixed, after which all whaling should cease, though the limit might be reached before the end of the open season;
- (d) the fixing of a maximum oil production which no expedition should exceed in any one Antarctic season;
- (e) special measures of protection for humpback whales;
- (f) the establishment of a sanctuary in waters south of 40° South Latitude;
- (g) the closure of additional areas against pelagic whaling.

8. With regard to method (a) in the foregoing paragraph, the Conference agreed, with the exception of the Japanese Delegation, who reserved their position for the season 1938-39, that the open season provided for in Article 7 of the Principal Agreement, that is to say, from the 8th day of December to the 7th day of March following, should be maintained. It was felt that few, if any, expeditions would be able to engage profitably in whaling if the open season in the Antarctic were further curtailed; and that a further curtailment of the

open season would increase the temptation to evade the provisions of Articles 11 and 12 of the Principal Agreement, which are designed to secure that the fullest possible use shall be made of all whales taken.

9. With regard to method (b), a proposal was put forward that the number of whale catchers attached to any expedition should be limited to seven, but the Conference was unable to reach agreement either upon this proposal or upon any limitation in the number of whale catchers.

10. Although method (c) was advocated by the Whaling Committee of the International Council for the Exploration of the Sea as the most effective restriction of undue exploitation of the whale stock, the Conference did not feel able at the present time to recommend its adoption.

11. The Conference could not agree on the application of method (d). In particular, objection was taken to this method on the ground that its incidence would be unfair, in that it would limit the operations of the most efficient factory ships and have little, if any, effect upon the operations of the smaller and less efficient factory ships. The question whether different maxima might be fixed for different expeditions according to their capacity was raised, but it was clear that agreement would not be reached on this basis.

12. Although the Conference was unable to agree to the immediate adoption of methods (b), (c) or (d), there was a strong feeling that these were matters calling for further expert examination by all the Governments concerned, with a view to their consideration at a subsequent Conference.

13. With regard to method (e), attention was drawn to a Report recently issued by the Discovery Committee concerning the condition of the stock of humpback whales and to other evidence pointing to a serious decline of that stock, and the Conference appointed a Committee to study this question. The Committee reported that there was ample biological evidence to show that the humpback stock was in very serious danger in all sectors of the southern hemisphere, and recommended that there should be no hunting of this species of whale for at least a year in any waters, or at least in the southern hemisphere and North Atlantic and dependent waters. It proved impossible to obtain the general agreement of the Conference to this proposal, chiefly because some land stations depend mainly upon humpbacks for their output of oil, and it was contended that the total prohibition, even for one year, of the hunting of humpbacks would have an effect on these land stations disproportionate to that which it would have on pelagic expeditions. The Conference, therefore, while admitting the desirability of a total prohibition, agreed that, in the first instance, the hunting of humpbacks by means of pelagic expeditions should be prohibited in the waters south of 40° South Latitude. A provision to this effect has consequently been embodied in the Protocol (Article 1). It is hoped that this measure of protection, coupled with the immunity which all baleen whales would enjoy in the greater part of the waters north of 40° South

Latitude, should have useful results, and the Conference strongly recommends the Governments represented thereat and other Governments concerned to study this question further with a view to give complete protection to humpback whales for a suitable period after the 30th September, 1939.

14. With regard to method (f), the Conference agreed that the sector of the waters south of 40° South Latitude which lies between 70° West Longitude and 160° West Longitude should be a sanctuary for whales for at least two years, and provision has been made accordingly in the Protocol (Article 2). In this sector commercial whaling has not hitherto been prosecuted, but the evidence acquired by the Discovery Committee shows that it is frequented by baleen whales, and the Conference agreed that it was highly desirable that the immunity which whales in this area had hitherto enjoyed should be maintained. Little information is available as to the extent to which whales from this area travel into the adjoining areas, or *vice versa*, but there is reason to think that such movement does, to some extent, take place, and that therefore the protection provided in this area may have useful results.

15. With regard to method (g), certain doubts having arisen already as to the limits of the Greenland Sea referred to in Article 9 of the Principal Agreement and as to the extent to which the Arctic Ocean is included within the area protected by that Article, it was suggested that the whole of the waters North of 66° North Latitude should be brought under protection, and that to the Atlantic and Indian Oceans and to the closed areas of the Pacific Ocean should be added their respective dependent waters. The Japanese Delegation, however, asked for a concession permitting whaling in the Arctic Ocean north of the Pacific Ocean, between 66° North Latitude and 72° North Latitude. In view of the satisfactory declaration as to the position of the Japanese Government referred to in paragraph 3, the Conference agreed to exclude these waters from the restriction. Provision to meet these points has accordingly been made in the Protocol (Article 7).

16. In the fifth paragraph of the Final Act of the Conference of last year attention was drawn to the risk that the restrictions imposed on pelagic whaling might lead to a development of whaling from land stations, and the Governments were accordingly advised to place themselves in a position to check or regulate such development should it occur. Since the Conference of last year an unforeseen development has occurred owing to the assumption in certain quarters that, in spite of the provisions of Article 9 of the Principal Agreement, it was legitimate to use a factory ship as a temporary "land station" when it remained within the territorial waters of a State. In the opinion of the Conference as a whole (United States of America Delegation dissenting), the wording of Article 9 of the Principal Agreement prohibits the use of a factory ship for treating whales in the whole of the areas specified, without exception. Briefly, the majority view of the Conference is that a factory ship does not lose its character of

being a ship until at least it loses its power of independent movement, and that a factory ship moored in territorial waters is no less a ship than any other ship which drops its anchor or is moored in a port. Although the Conference has no doubt of the correctness of this interpretation of Article 9, it has been thought desirable, in view of the events which have occurred, to embody in the Protocol an Article (Article 3) which, while placing beyond doubt the fact that it is not permissible to use a factory ship as a "land station," nevertheless makes a concession in respect of existing enterprises.

17. The French Delegation declared that the French Government was ready to accede to the present Agreement subject to the following reservations:—

First, that the term "land station" employed in the Principal Agreement means a factory on land or a factory placed near the coast on a construction fixed or anchored at the same spot during the whole of the hunting season, and one which cannot be subsequently employed as a factory ship fishing in the deep sea.

Secondly, should any regulations be introduced regulating the number of land stations as thus defined, France reserves the right to establish or to maintain three of such stations in her possessions in the Southern hemisphere.

In view of the provisions of Article 3 of the Protocol, coupled with the statement in paragraph 16 of this Final Act, the first reservation of the French Government appears to be satisfied. Furthermore, there is no provision in the Protocol regulating the number of land stations. The way, therefore, is clear for the accession of the Government of the French Republic.

18. It was represented to the Conference by the Danish Delegation that in the Faroe Islands whale hunting was prosecuted mainly to provide food in the form of whale meat for the population of the Islands, and that hitherto whaling had been conducted from two land stations in the Faroe Islands without regard to size limits. They intimated that it would be necessary for them, in order to accede to the Principal Agreement, which Denmark was otherwise ready to accept, to make a reservation in respect of size limits so far as they affected these stations. To meet this particular case and other cases of a similar character, the Conference agreed to attach a proviso to Article 5 of the Principal Agreement. The Protocol (Article 4) provides that the size limit for blue, fin and sperm whales applicable to whales taken by catchers working from land stations may be reduced by 5 feet in each instance provided that the meat of such whales is to be used for local consumption. It is understood that this provision is to be limited in its application to stations which are genuinely intended to supply the local needs of the country in which the station is situated.

19. It was agreed that Article 7 of the Principal Agreement should be amended so as to allow of the treatment of whales after the end of the open season provided that they were killed before midnight on the 7th March. Provision has been made accordingly in the Protocol (Article 5).

20. The Conference considered a statement by the Japanese Delegation with regard to the effect of Article 8 of the Principal Agreement upon land stations in Japan, some of which actually operate for more than six months in any one year, a considerable portion of the catch consisting of sperm whales. In order to meet so far as possible the case of such land stations, the Conference agreed to confine the application of Article 8 to baleen whales, and an amendment to this effect has been included in the Protocol (Article 6).

21. The Conference having considered reports to the effect that some difficulty has been experienced in the application of Article 12 of the Principal Agreement, the purpose of which is to limit the period between the killing and the treatment of a whale, it was agreed to remove the uncertainty as to the exact interpretation of the Article by redrafting it on different lines with the same purpose in view. Provision has been made accordingly in the Protocol (Article 8).

22. The Conference learned with concern that during the Antarctic whaling season of 1936-37, and the summer of 1937, no less than 15 right whales had been killed. They were informed that some of these whales had been measured, and among them four fetuses were found, the lengths of which were approximately 20 feet, 19 feet, 17 feet and 1 foot respectively. Some of these whales were taken by nationals of Governments which were signatories to the Principal Agreement. The Conference desires to draw the attention of the Governments concerned to these breaches of the Geneva Convention and the Principal Agreement. From the commercial point of view, little advantage can accrue to any expedition by the taking of the few right whales that still exist, and, in the opinion of the Conference, it is deplorable not only that right whales should be killed in spite of the provisions of the Principal Agreement, but that, in particular, as the statistics prove, breeding right whales should have been killed. The Conference, therefore, expresses the hope that, with a view to the preservation of the remainder of these most interesting mammals, the Governments concerned should sternly enforce the provisions of Article 4 of the Principal Agreement.

23. The Conference took note of a statement by Dr. Mackintosh of the proposals of the Discovery Committee for enlisting the support of whaling enterprises in the continuation and development of whale marking as carried out by the Committee. The Conference also heard a statement from the German Delegation as to the steps which the German Government proposes to take for the marking of whales. The Conference expressed the hope that the Governments and the whaling enterprises concerned will do their best to encourage the development of whale marking, which, in the view of the Conference, is likely to make an important contribution to the knowledge of the movement of whales, which has a very close bearing upon the problem of conservation of whales.

24. With reference to paragraph 9 of the Final Act of the Conference of 1937, it was reported that the Governments of Germany and



Norway had acquired the necessary powers to deal with transfers of ships registered in their territories, and that the Government of the United States of America already possessed those powers. The Conference expressed the hope that other countries would take steps to acquire similar powers at an early date.

25. In conclusion, the Conference suggested that the question of holding a future Conference should be left to the consideration of the Governments concerned, in the light of developments.

Signatures.

Done in London the 24th day of June, 1938, in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be communicated to all the signatory Governments.

*For the Government of the Union of South Africa:*

C. T. TE WATER  
F. J. DU TOIT.

*For the Government of the United States of America.*

HERSCHEL V. JOHNSON.  
REMINGTON KELLOGG.  
WILFRID N. DERBY.

*For the Government of the Argentine Republic:*

MANUEL E. MALBRÁN.  
M. FINCATI.

*For the Government of the Commonwealth of Australia:*

ROBERT G. MENZIES.

*For the Government of Canada:*

VINCENT MASSEY.

*For the Government of Denmark:*

P. F. ERICSEN.

*For the Government of Eire:*

SEAN O'FAOLAIN O'DULCHAONTIGH.  
J. D. RUSH.

*For the Government of Germany:*

HELMUTH WOHLTAT.

*For the Government of the United Kingdom of Great Britain and Northern Ireland:*

HENRY G. MAURICE.  
GEO. HOGARTH.

*For the Government of Japan:*

A. KODAKI.

*For the Government of New Zealand:*

W. J. JORDAN.

*For the Government of Norway:*

BIRGER BERGERSEN.







*General treaty of friendship and cooperation between the United States of America and Panama. Signed at Washington March 2, 1936; ratification advised by the Senate July 25, 1939; ratified by the President of the United States July 26, 1939; ratified by Panama July 17, 1939; ratifications exchanged at Washington July 27, 1939; proclaimed July 27, 1939. And exchanges of notes.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 2, 1936

[T. S. No. 945]

### A PROCLAMATION

WHEREAS a Treaty between the United States of America and the Republic of Panama to strengthen further the bonds of friendship and cooperation between the two countries and to regulate on a stable and mutually satisfactory basis certain questions which have arisen as a result of the construction of the interoceanic canal across the Isthmus of Panama was concluded and signed by their respective Plenipotentiaries at Washington on the second day of March, one thousand nine hundred and thirty-six, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

Treaty of friendship  
and cooperation with  
Panama.  
Preamble.

The United States of America and the Republic of Panama, animated by the desire to strengthen further the bonds of friendship and cooperation between the two countries and to regulate on a stable and mutually satisfactory basis certain questions which have arisen as a result of the construction of the interoceanic canal across the Isthmus of Panama, have decided to conclude a treaty, and have designated for this purpose as their Plenipotentiaries:

Objects.

The President of the United States of America:

Los Estados Unidos de América y la República de Panamá, animados por el deseo de fortalecer más los lazos de amistad y de cooperación entre los dos países y de regular sobre una base firme y mutuamente satisfactoria algunas cuestiones que han surgido como resultado de la construcción del Canal interoceánico a través del Istmo de Panamá, han resuelto celebrar un tratado y en tal virtud han designado como sus Plenipotenciarios:

Plenipotentiaries.

Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

El Presidente de los Estados Unidos de América:  
Al Señor Cordell Hull, Secretario de Estado de los Estados Unidos de América y al señor Sumner Welles, Subsecretario de Estado de los Estados Unidos de América; y

The President of the Republic of Panama:

El Presidente de la República de Panamá:

The Honorable Doctor Ricardo J. Alfaro, Envoy Extraordinary

A los Excelentísimos Señores Doctor Ricardo J. Alfaro, Enviado

and Minister Plenipotentiary of Extraordinario y Ministro Pleni-  
Panama to the United States of potenciario de Panamá en los  
America, and The Honorable Doc- Estados Unidos, y Doctor Narciso  
tor Narciso Garay, Envoy Extra- Garay, Enviado Extraordinario y  
ordinary and Minister Plenipo- Ministro Plenipotenciario de Pa-  
tentiary of Panama on special namá en mision especial;  
mission;

Who, having communicated Quienes, habiéndose comuni-  
their respective full powers to cado sus respectivos Plenos Pode-  
each other, which have been found res, los que han sido hallados en  
to be in good and due form, have buena y debida forma, han con-  
agreed upon the following: venido en lo siguiente:

## ARTICLE I

## ARTICULO I

Provision super-  
seded.  
33 Stat. 2234.

Article I of the Convention of El Artículo I de la Convención  
November 18, 1903, is hereby de 18 de Noviembre de 1903 queda  
superseded. subrogado así:

Mutual peace and  
friendship.

There shall be a perfect, firm Habrá perfecta, firme e invio-  
and inviolable peace and sincere lable paz y sincera amistad entre  
friendship between the United los Estados Unidos de América y  
States of America and the Re- la República de Panamá y entre  
public of Panama and between sus ciudadanos.  
their citizens.

Use, occupation,  
and control of Canal  
Zone, etc., by U. S. A.

In view of the official and En vista de la apertura formal  
formal opening of the Panama y oficial del Canal de Panamá el  
Canal on July 12, 1920, the United 12 de Julio de 1920, los Estados  
States of America and the Repub- Unidos de América y la República  
lic of Panama declare that the de Panamá declaran que las estipu-  
provisions of the Convention of laciones de la Convención de 18  
November 18, 1903, contemplate de Noviembre de 1903 tienen en  
the use, occupation and control mira el uso, ocupación y control  
by the United States of America por los Estados Unidos de América  
of the Canal Zone and of the ad- de la Zona del Canal y de las  
ditional lands and waters under tierras y aguas adicionales bajo la  
the jurisdiction of the United jurisdicción de los Estados Unidos  
States of America for the purposes de América, para los fines del ef-  
of the efficient maintenance, oper- ficiente mantenimiento, funciona-  
ation, sanitation and protection of miento, saneamiento y protección  
the Canal and of its auxiliary del Canal y de sus obras auxiliares.  
works.

Maintenance of  
Panama Canal.

The United States of America Los Estados Unidos de América  
will continue the maintenance of continuarán manteniendo el Canal  
the Panama Canal for the encour- de Panamá para fomento y uso del  
agement and use of interoceanic comercio interoceánico y los dos  
commerce, and the two Govern- Gobiernos declaran su voluntad  
ments declare their willingness de cooperar en cuanto les sea  
to cooperate, as far as it is feasible factible al propósito de asegurar  
for them to do so, for the purpose el goce pleno y perpetuo de los

of insuring the full and perpetual enjoyment of the benefits of all kinds which the Canal should afford the two nations that made possible its construction as well as all nations interested in world trade.

## ARTICLE II

The United States of America declares that the Republic of Panama has loyally and satisfactorily complied with the obligations which it entered into under Article II of the Convention of November 18, 1903, by which it granted in perpetuity to the United States the use, occupation and control of the zone of land and land under water as described in the said Article, of the islands within the limits of said zone, of the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco, and of any other lands and waters outside of said zone necessary and convenient for the construction, maintenance, operation, sanitation and protection of the Panama Canal or of any auxiliary canals or other works, and in recognition thereof the United States of America hereby renounces the grant made to it in perpetuity by the Republic of Panama of the use, occupation and control of lands and waters, in addition to those now under the jurisdiction of the United States of America outside of the zone as described in Article II of the aforesaid Convention, which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the Panama Canal or of any auxiliary canals or other works necessary and convenient for the construction, main-

beneficios de todo orden que el Canal debe proporcionar a las dos naciones que hicieron posible su construcción, así como también a todas las naciones interesadas en el comercio universal.

## ARTICULO II

Los Estados Unidos de América declaran que la República de Panamá ha cumplido leal y satisfactoriamente las obligaciones que asumió por el Artículo II de la Convención de 18 de Noviembre de 1903, por el cual concedió a perpetuidad a los Estados Unidos de América el uso, ocupación y control de la zona de tierra y de tierra cubierta por agua que se describe en dicho artículo, de las islas situadas dentro de los límites de la mencionada zona, del grupo de pequeñas islas en la bahía de Panamá nombradas Perico, Naos, Culebra y Flamenco, y de cualesquiera otras tierras y aguas fuera de la zona citada necesarias y convenientes para la construcción, mantenimiento, funcionamiento, saneamiento y protección del Canal de Panamá o de cualesquiera canales auxiliares u otras obras, y en reconocimiento de ello los Estados Unidos de América renuncian por el presente artículo a la concesión que le hizo a perpetuidad la República de Panamá, del uso, ocupación y control de tierras y aguas, además de las que ahora están bajo la jurisdicción de los Estados Unidos de América fuera de la zona descrita en el Artículo II de la mencionada Convención, que fueran necesarias y convenientes para la construcción, mantenimiento, funcionamiento, saneamiento y protección del Canal de Panamá o de cualesquiera canales

Renunciation of grant made in perpetuity of certain lands and waters outside of zone.

33 Stat. 2234.

tenance, operation, sanitation and protection of the said enterprise.

auxiliares u otras obras necesarias y convenientes para la construcción, mantenimiento, funcionamiento, saneamiento y protección de dicha empresa.

Operation of Canal, preservation of neutrality, etc.

While both Governments agree that the requirement of further lands and waters for the enlargement of the existing facilities of the Canal appears to be improbable, they nevertheless recognize, subject to the provisions of Articles I and X of this Treaty, their joint obligation to insure the effective and continuous operation of the Canal and the preservation of its neutrality, and consequently, if, in the event of some now unforeseen contingency, the utilization of lands or waters additional to those already employed should be in fact necessary for the maintenance, sanitation or efficient operation of the Canal, or for its effective protection, the Governments of the United States of America and the Republic of Panama will agree upon such measures as it may be necessary to take in order to insure the maintenance, sanitation, efficient operation and effective protection of the Canal, in which the two countries are jointly and vitally interested.

Si bien los dos Gobiernos convienen en que la necesidad de nuevas tierras y aguas para el ensanche de las actuales facilidades del Canal se estima improbable, reconocen sin embargo, de acuerdo con las estipulaciones de los Artículos I y X de este tratado, su obligación conjunta de asegurar el efectivo y continuo funcionamiento del Canal y el mantenimiento de su neutralidad, y en consecuencia, si en el evento de alguna contingencia ahora imprevisible la utilización de tierras o aguas adicionales a las que se están ya usando fuere realmente necesaria para el mantenimiento, saneamiento o eficiente funcionamiento del Canal, o para su protección efectiva, los Gobiernos de los Estados Unidos de América y de la República de Panamá acordarán las medidas que sea necesario tomar para asegurar el mantenimiento, saneamiento, eficiente funcionamiento y protección efectiva del Canal, en el cual los dos países tienen interés conjunto y vital.

### ARTICLE III

### ARTICULO III

Commercial agreement.

In order to enable the Republic of Panama to take advantage of the commercial opportunities inherent in its geographical situation, the United States of America agrees as follows:

Con el objeto de que la República de Panamá pueda beneficiarse de las ventajas comerciales inherentes a su posición geográfica, los Estados Unidos de América convienen:

Business transactions.

1) The sale to individuals of goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America shall be limited by it to

1) La venta a individuos de artículos importados a la Zona del Canal o comprados, producidos o manufacturados allí por el Gobierno de los Estados Unidos de América será limitada por éste a



the persons included in classes (a) and (b) of Section 2 of this Article; and with regard to the persons included in classes (c), (d) and (e) of the said Section and members of their families, the sales above mentioned shall be made only when such persons actually reside in the Canal Zone.

las personas incluídas en las categorías (a) y (b) de la Sección 2ª de este Artículo. Con respecto a las personas incluídas en las categorías (c), (d) y (e) de la mencionada Sección y miembros de sus familias, las ventas arriba referidas sólo podrán hacerse cuando tales personas residan realmente en la Zona del Canal.

2) No person who is not comprised within the following classes shall be entitled to reside within the Canal Zone:

2) No podrá residir en la Zona del Canal ninguna persona que no esté comprendida en las siguientes categorías:

Residence restrictions.

(a) Officers, employees, workmen or laborers in the service or employ of the United States of America, the Panama Canal or the Panama Railroad Company, and members of their families actually residing with them;

(a) Jefes, empleados, artesanos u obreros al servicio o en el empleo de los Estados Unidos de América, del Canal de Panamá o de la Compañía del Ferrocarril de Panamá y miembros de sus familias que realmente vivan con ellos;

(b) Members of the armed forces of the United States of America and members of their families actually residing with them;

(b) Miembros de las fuerzas armadas de los Estados Unidos de América, y miembros de sus familias que realmente vivan con ellos;

(c) Contractors operating in the Canal Zone and their employees, workmen and laborers during the performance of contracts;

(c) Contratistas que trabajen en la Zona del Canal y sus empleados, artesanos y obreros durante el cumplimiento de sus contratos;

(d) Officers, employees, or workmen of companies entitled under Section 5 of this Article to conduct operations in the Canal Zone;

(d) Jefes, empleados u obreros de compañías que tengan derecho a hacer negocios en la Zona del Canal según la Sección 5 de este artículo;

(e) Persons engaged in religious, welfare, charitable, educational, recreational and scientific work exclusively in the Canal Zone;

(e) Personas que se ocupen en actividades religiosas, de asistencia pública, de caridad, de educación, de recreo y científicas, exclusivamente en la Zona del Canal;

(f) Domestic servants of all the beforementioned persons and members of the families of the persons in classes (c), (d) and (e) actually residing with them.

(f) Sirvientes domésticos de todas las personas antes mencionadas y miembros de las familias de las personas correspondientes a las categorías (c), (d) y (e) que realmente vivan con ellos.

3) No dwellings belonging to the Government of the United States of America or to the Pan-

3) No se darán en arrendamiento, a plazo o con sujeción a desahucio ni se subarrendarán,

Rental, etc., restrictions.

ama Railroad Company and situated within the Canal Zone shall be rented, leased or sublet except to persons within classes (a) to (e), inclusive of Section 2 hereinabove.

casas o habitaciones pertenecientes al Gobierno de los Estados Unidos de América o a la Compañía del Ferrocarril de Panamá y situadas en la Zona del Canal, a personas no comprendidas en las categorías (a) a (e) inclusive de la Sección 2 arriba citada.

Immigration and customs laws, violations.

4) The Government of the United States of America will continue to cooperate in all proper ways with the Government of the Republic of Panama to prevent violations of the immigration and customs laws of the Republic of Panama, including the smuggling into territory under the jurisdiction of the Republic of goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America.

4) El Gobierno de los Estados Unidos de América continuará cooperando por todos los medios apropiados con el Gobierno de la República de Panamá, para prevenir violaciones de las leyes de la República en materia de aduanas y de inmigración, inclusive el contrabando al territorio bajo la jurisdicción de la República de artículos importados a la Zona del Canal o comprados, producidos o manufacturados allí por el Gobierno de los Estados Unidos de América.

Smuggling.

Private business enterprises.

5) With the exception of concerns having a direct relation to the operation, maintenance, sanitation or protection of the Canal, such as those engaged in the operation of cables, shipping, or dealing in oil or fuel, the Government of the United States of America will not permit the establishment in the Canal Zone of private business enterprises other than those existing therein at the time of the signature of this Treaty.

5) Con excepción de las empresas que tengan relación directa con el funcionamiento, mantenimiento, saneamiento o protección del Canal, o sean las de cable, navieras, petroleras o de combustible, los Estados Unidos de América no permitirán que se radiquen en la Zona del Canal más empresas comerciales privadas que las existentes allí al tiempo de firmarse este tratado.

Use of port facilities at Balboa and Cristobal.

6) In view of the proximity of the port of Balboa to the city of Panamá and of the port of Cristobal to the city of Colón, the United States of America will continue to permit, under suitable regulations and upon the payment of proper charges, vessels entering at or clearing from the ports of the Canal Zone to use and enjoy the dockage and other facilities of the said ports for the purpose of load-

6) En vista de la proximidad del puerto de Balboa a la ciudad de Panamá y del puerto de Cristóbal a la ciudad de Colón, los Estados Unidos de América continuarán permitiendo, de acuerdo con reglamentos adecuados y mediante el pago de los derechos correspondientes, a las naves que entren a los puertos de la Zona o salgan de ellos, el uso y goce de los muelles y otras facilidades en

ing and unloading cargoes and receiving or disembarking passengers to or from the territory under the jurisdiction of the Republic of Panama.

los mencionados puertos, para el objeto de cargar y descargar mercaderías, y de recibir o desembarcar pasajeros que entren al territorio bajo la jurisdicción de la República de Panamá o que salgan de él.

The Republic of Panama will permit vessels entering at or clearing from the ports of Panamá or Colón, in case of emergency and also under suitable regulations and upon the payment of proper charges, to use and enjoy the dockage and other facilities of said ports for the purpose of receiving or disembarking passengers to or from the territory of the Republic of Panama under the jurisdiction of the United States of America, and of loading and unloading cargoes either in transit or destined for the service of the Canal or of works pertaining to the Canal.

La República de Panamá permitirá a las naves que entren a los puertos de Panamá o Colón o que zarpen de ellos, en caso de emergencia y también de acuerdo con reglamentos adecuados y mediante el pago de los derechos correspondientes, el uso y goce de los muelles y de otras facilidades de dichos puertos con el objeto de recibir y desembarcar pasajeros con destino a territorio de la República de Panamá bajo jurisdicción de los Estados Unidos de América o procedentes del mismo, y para cargar o descargar mercaderías en tránsito o destinadas al servicio del Canal o de obras pertenecientes al Canal.

Emergency, etc.,  
uses.

7) The Government of the United States of America will extend to private merchants residing in the Republic of Panama full opportunity for making sales to vessels arriving at terminal ports of the Canal or transiting the Canal, subject always to appropriate administrative regulations of the Canal Zone.

7) El Gobierno de los Estados Unidos de América dará a los comerciantes residentes en la República de Panamá plena oportunidad para hacer ventas a las naves que lleguen a los puertos terminales del Canal o que pasen por él, con sujeción siempre a los reglamentos administrativos pertinentes de la Zona del Canal.

Sales by private  
merchants to vessels;  
regulations.

#### ARTICLE IV

#### ARTICULO IV

The Government of the Republic of Panama shall not impose import duties or taxes of any kind on goods destined for or consigned to the agencies of the Government of the United States of America in the Republic of Panama when the goods are intended for the official use of such agencies, or upon goods destined for or consigned to persons included in classes (a) and

El Gobierno de la República de Panamá no impondrá derechos de importación ni contribuciones de ninguna clase a las mercancías remitidas o consignadas a las agencias del Gobierno de los Estados Unidos de América en la República de Panamá cuando las mercancías sean destinadas para el uso oficial de tales agencias, ni a las mercancías remitidas o con-

Import duties or  
taxes.

(b) in Section 2 of Article III of this Treaty, who reside or sojourn in territory under the jurisdiction of the Republic of Panama during the performance of their service with the United States of America, the Panama Canal or the Panama Railroad Company, when the goods are intended for their own use and benefit.

signadas a las personas comprendidas en las categorías (a) y (b) de la Sección 2 del Artículo III de este tratado, que residan o se hallen temporalmente en territorio bajo la jurisdicción de la República de Panamá, mientras presten sus servicios a los Estados Unidos de América, al Canal de Panamá o a la Compañía del Ferrocarril de Panamá, siempre que las mercancías sean destinadas al uso y beneficio exclusivo de esas personas.

The United States of America shall not impose import duties or taxes of any kind on goods, wares and merchandise passing from territory under the jurisdiction of the Republic of Panama into the Canal Zone.

Los Estados Unidos de América no impondrán derechos de importación ni contribuciones de ninguna clase a los artículos, efectos y mercaderías que pasen del territorio bajo la jurisdicción de la República de Panamá a la Zona del Canal.

**Transit charges.**

No charges of any kind shall be imposed by the authorities of the United States of America upon persons residing in territory under the jurisdiction of the Republic of Panama passing from the said territory into the Canal Zone, and no charges of any kind shall be imposed by the authorities of the Republic of Panama upon persons in the service of the United States of America or residing in the Canal Zone passing from the Canal Zone into territory under the jurisdiction of the Republic of Panama, all other persons passing from the Canal Zone into territory under the jurisdiction of the Republic of Panama being subject to the full effects of the immigration laws of the Republic.

Las autoridades de los Estados Unidos de América no impondrán contribuciones de ninguna clase a las personas que residan en la República de Panamá y que pasen de la jurisdicción de la República de Panamá a la Zona del Canal, y las autoridades de la República de Panamá no impondrán contribuciones de ninguna clase a las personas en el servicio de los Estados Unidos de América o que residan en la Zona del Canal y que pasen de la Zona del Canal a territorio bajo la jurisdicción de la República de Panamá, quedando sujetas a los plenos efectos de las leyes de inmigración de la República de Panamá todas las otras personas que pasen de la Zona del Canal a territorio bajo la jurisdicción de la República de Panamá.

**Deportations,  
transit through Canal  
Zone.**

In view of the fact that the Canal Zone divides the territory under the jurisdiction of the Republic of Panama, the United States of America agrees that,

En vista del hecho de que la Zona del Canal divide el territorio bajo jurisdicción de la República de Panamá, los Estados Unidos de América convienen en que,

subject to such police regulations as circumstances may require, Panamanian citizens who may occasionally be deported from the Canal Zone shall be assured transit through the said Zone, in order to pass from one part to another of the territory under the jurisdiction of the Republic of Panama.

con sujeción a las disposiciones policivas que las circunstancias requieran, a los ciudadanos panameños que ocasionalmente sean deportados de la Zona del Canal se les garantizará el tránsito a través de dicha Zona para trasladarse de una parte a otra del territorio sujeto a la jurisdicción de la República.

## ARTICLE V

## ARTICULO V

Article IX of the Convention of November 18, 1903, is hereby superseded.

El Artículo IX de la Convención de 18 de Noviembre de 1903 queda subrogado así:

Existing provision superseded.  
33 Stat. 2237.

The Republic of Panama has the right to impose upon merchandise destined to be introduced for use or consumption in territory under the jurisdiction of the Republic of Panama, and upon vessels touching at Panamanian ports and upon the officers, crew or passengers of such vessels, the taxes or charges provided by the laws of the Republic of Panama; it being understood that the Republic of Panama will continue directly and exclusively to exercise its jurisdiction over the ports of Panamá and Colón and to operate exclusively with Panamanian personnel such facilities as are or may be established therein by the Republic or by its authority. However, the Republic of Panama shall not impose or collect any charges or taxes upon any vessel using or passing through the Canal which does not touch at a port under Panamanian jurisdiction or upon the officers, crew or passengers of such vessels, unless they enter the Republic; it being also understood that taxes and charges imposed by the Republic of Panama upon vessels using or passing through the

La República de Panamá tiene el derecho de imponer a las mercancías destinadas a ser introducidas para uso y consumo en territorio bajo la jurisdicción de la República de Panamá y a las naves que toquen en puertos panameños y a los oficiales, tripulación o pasajeros de dichas naves, los impuestos y gravámenes establecidos por las leyes de la República de Panamá; conviniéndose que la República de Panamá continuará ejerciendo directa y exclusivamente su jurisdicción sobre los puertos de Panamá y Colón y la explotación, con personal panameño exclusivamente, de las obras marítimas ya establecidas o que se establezcan en dichos puertos por la República de Panamá o por su autoridad. Sin embargo, la República de Panamá no impondrá ni cobrará gravámenes o contribuciones sobre las naves que usen el Canal o que pasen por él sin tocar en puertos bajo la jurisdicción panameña, ni a los oficiales, tripulación o pasajeros de dichas naves, a no ser que entren a la República; siendo entendido además que las contribuciones y gravámenes que imponga la Re-

Right of Panama to impose taxes and other charges on imports, etc.

Existing jurisdiction of Panama over certain ports and facilities, continuance.

Exemptions.

No discriminatory taxes, etc.

Canal which touch at ports under Panamanian jurisdiction, or upon their cargo, officers, crew or passengers, shall not be higher than those imposed upon vessels which touch only at ports under Panamanian jurisdiction and do not transit the Canal, or upon their cargo, officers, crew or passengers.

pública de Panamá a las naves que usen el Canal o que pasen por él y que toquen en puertos bajo la jurisdicción panameña o a la carga, oficiales, tripulación o pasajeros de dichas naves, no serán más altos que los que se impongan a las naves que toquen únicamente en los puertos bajo la jurisdicción panameña sin pasar por el Canal, y a la carga, oficiales, tripulación o pasajeros de dichas naves.

Immigration regulation.

The Republic of Panama also has the right to determine what persons or classes of persons arriving at ports of the Canal Zone shall be admitted to the Republic of Panama and to determine likewise what persons or classes of persons arriving at such ports shall be excluded from admission to the Republic of Panama.

La República de Panamá tiene también el derecho de determinar qué personas o clases de personas que lleguen a los puertos de la Zona del Canal serán admitidas a la República de Panamá y asimismo el de determinar a qué personas o clases de personas que lleguen a esos puertos se les negará entrada a la República de Panamá.

Canal Zone, sites for customhouses; jurisdiction.

The United States of America will furnish to the Republic of Panama free of charge the necessary sites for the establishment of customhouses in the ports of the Canal Zone for the collection of duties on importations destined to the Republic and for the examination of merchandise, baggage and passengers consigned to or bound for the Republic of Panama, and for the prevention of contraband trade, it being understood that the collection of duties and the examination of merchandise and passengers by the agents of the Government of the Republic of Panama, in accordance with this provision, shall take place only in the customhouses to be established by the Government of the Republic of Panama as herein provided, and that the Republic of Panama will exercise exclusive jurisdiction within the sites on

Los Estados Unidos de América suministrarán a la República de Panamá libres de todo gravamen los sitios necesarios para la construcción de edificios para aduanas en los puertos de la Zona del Canal para la recaudación de impuestos sobre las importaciones destinadas a la República de Panamá y para el examen de mercancías, equipajes y pasajeros consignados o destinados a la República de Panamá, y para prevenir el comercio de contrabando, siendo entendido que la recaudación de impuestos y el examen de mercancías y pasajeros por los funcionarios del Gobierno de la República de Panamá, de conformidad con esta estipulación, tendrá lugar únicamente en las aduanas que establezca el Gobierno de la República de Panamá de acuerdo con lo aquí estipulado, y que la República de Panamá ejercerá jurisdicción ex-

which the customhouses are located so far as concerns the enforcement of immigration or customs laws of the Republic of Panama, and over all property therein contained and the personnel therein employed.

To further the effective enforcement of the rights hereinbefore recognized, the Government of the United States of America agrees that, for the purpose of obtaining information useful in determining whether persons arriving at ports of the Canal Zone and destined to points within the jurisdiction of the Republic of Panama should be admitted or excluded from admission into the Republic, the immigration officers of the Republic of Panama shall have the right of free access to vessels upon their arrival at the Balboa or Cristobal piers or wharves with passengers destined for the Republic; and that the appropriate authorities of the Panama Canal will adopt such administrative regulations regarding persons entering ports of the Canal Zone and destined to points within the jurisdiction of the Republic of Panama as will facilitate the exercise by the authorities of Panama of their jurisdiction in the manner provided in Paragraph 4 of this Article for the purposes stated in Paragraph 3 thereof.

#### ARTICLE VI

The first sentence of Article VII of the Convention of November 18, 1903, is hereby amended so as to omit the following phrase: "or by the exercise of the right of eminent domain".

clusiva dentro de los sitios donde se hallen las aduanas en cuanto concierne a la efectividad de las leyes de inmigración y de aduanas de la República de Panamá, como también sobre los efectos de todas clases allí existentes y sobre el personal empleado en ellas.

Para asegurar el ejercicio efectivo de los derechos reconocidos anteriormente, el Gobierno de los Estados Unidos de América conviene en que, con el objeto de obtener información útil para determinar si a las personas que lleguen a los puertos de la Zona del Canal con destino a puntos dentro de la jurisdicción de la República de Panamá debe permitirse o negarse la entrada a la República, los funcionarios de inmigración de la República de Panamá tendrán el derecho de libre acceso a los buques a su llegada a los muelles de Balboa o de Cristóbal llevando pasajeros con destino a la República; y que las autoridades competentes del Canal de Panamá adoptarán con respecto a las personas que entren por los puertos de la Zona del Canal con destino a puntos dentro de la jurisdicción de la República de Panamá, los reglamentos administrativos que faciliten a las autoridades de Panamá el ejercicio de su jurisdicción en la forma estipulada en el párrafo 4° de este artículo, para los fines expuestos en el párrafo 3° del mismo.

#### ARTICULO VI

El primer período del Artículo VII de la Convención de 18 de Noviembre de 1903, queda modificado omitiéndose la siguiente frase: "o por el ejercicio del derecho de dominio eminente".

Enforcement of immigration or customs laws of Panama.

Inspection of passengers on arrival at ports of Canal Zone.

Regulations.

Textual amendment.  
33 Stat. 2236.

Paragraph abrogated.  
33 Stat. 2236.

The third paragraph of article VII of the Convention of November 18, 1903, is hereby abrogated.

El Parágrafo tercero del Artículo VII de la Convención de 18 de Noviembre de 1903, queda abrogado.

## ARTICLE VII

## ARTICULO VII

Payments by United States.

33 Stat. 2238.

*Perf.*, p. 1859.

Beginning with the annuity payable in 1934 the payments under Article XIV of the Convention of November 18, 1903, between the United States of America and the Republic of Panama, shall be four hundred and thirty thousand Balboas (B/430,000.00) as defined by the agreement embodied in an exchange of notes of this date. The United States of America may discharge its obligation with respect to any such payment, upon payment in any coin or currency, provided the amount so paid is the equivalent of four hundred and thirty thousand Balboas (B/430,000.00) as so defined.

Comenzando con la anualidad pagadera en 1934 los pagos de acuerdo con el Artículo XIV de la Convención de 18 de Noviembre de 1903, celebrada entre los Estados Unidos de América y la República de Panamá, serán de cuatrocientos treinta mil Balboas, (B/430.000.00) según los define el convenio incorporado en canje de notas de esta fecha. Los Estados Unidos de América pueden cumplir su obligación con respecto a cualquiera de dichos pagos mediante el pago en cualquier moneda, siempre que la cantidad que se pague sea el equivalente de cuatrocientos treinta mil Balboas (B/430.000.00) definidos como queda expresado.

## ARTICLE VIII

## ARTICULO VIII

Transfer to Panama of jurisdiction over described corridor.

In order that the city of Colón may enjoy direct means of land communication under Panamanian jurisdiction with other territory under jurisdiction of the Republic of Panama, the United States of America hereby transfers to the Republic of Panama jurisdiction over a corridor, the exact limits of which shall be agreed upon and demarcated by the two Governments pursuant to the following description:

Con el fin de que la ciudad de Colón pueda disfrutar de un medio directo de comunicación por tierra, bajo jurisdicción panameña, con el resto del territorio bajo jurisdicción de la República de Panamá, los Estados Unidos de América transfieren a la República de Panamá jurisdicción sobre un corredor cuyos límites exactos serán convenidos y demarcados por los dos Gobiernos, de acuerdo con la descripción siguiente:

Description.

(a) The end at Colón connects with the southern end of the east half of the Paseo del Centenario at Sixteenth Street, Colón; thence the corridor proceeds in a general southerly direction, parallel to and

(a) El término del corredor en Colón empalma con el extremo Sur de la mitad Este del Paseo del Centenario en la Calle 16 de Colón; de allí el corredor sigue en dirección general Sur, paralela a



east of Bolivar Highway to the vicinity of the northern edge of Silver City; thence eastward near the shore line of Folks River, around the northeast corner of Silver City; thence in a general southeasterly direction and generally parallel to the Randolph Road to a crossing of said Randolph Road, about 1200 feet east of the East Diversion; thence in a general northeasterly direction to the eastern boundary line of the Canal Zone near the southeastern corner of the Fort Randolph Reservation, southwest of Cativá. The approximate route of the corridor is shown on the map which accompanies this Treaty, signed by the Plenipotentiaries of the two countries and marked "Exhibit A".

(b) The width of the corridor shall be as follows: 25 feet in width from the Colón end to a point east of the southern line of Silver City; thence 100 feet in width to Randolph Road, except that, at any elevated crossing which may be built over Randolph Road and the railroad, the corridor will be no wider than is necessary to include the viaduct and will not include any part of Randolph Road proper, or of the railroad right of way, and except that, in case of a grade crossing over Randolph Road and the railroad, the corridor will be interrupted by that highway and railroad; thence 200 feet in width to the boundary line of the Canal Zone.

la Carretera Bolívar y al Este de ella hasta la vecindad de la orilla Norte de Silver City; de allí hacia el Este cerca de la ribera de Folks River, doblando la esquina Nordeste de Silver City; de allí en dirección Sudeste y paralela en general al camino que va a France Field y Fort Randolph hasta cruzar el mencionado camino como a 1200 pies al Este de la Derivación Este; de allí en una dirección general Nordeste hasta la línea Este del límite de la Zona del Canal cerca de la esquina Sudeste de la Reserva de Fort Randolph al Sudoeste de Cativá. El trazado aproximado del corredor es el que muestra el mapa anexo a este Tratado, firmado por los Plenipotenciarios de los dos países y denominado "Anexo A".

(b) La anchura del corredor será como sigue: 25 pies de ancho desde su extremo en Colón hasta un punto Este de la línea Sur de Silver City; de allí 100 pies de ancho hasta el camino de Fort Randolph con la salvedad de que en cualquier cruce elevado del camino de Fort Randolph sobre el ferrocarril que pueda construirse, la anchura del corredor no será mayor que la necesaria para incluir el viaducto y no incluirá parte alguna del camino de Fort Randolph propiamente dicho ni de la servidumbre de tránsito del ferrocarril, y con la salvedad de que en caso de hacerse cruce a nivel con el camino de Fort Randolph y con el ferrocarril, el corredor quedará interrumpido por esa carretera y por el ferrocarril; a partir de ese punto el corredor tendrá 200 pies de ancho hasta la línea fronteriza de la Zona del Canal.

Extinguishment of  
existing private titles.

The Government of the United States of America will extinguish any private titles existing or which may exist in and to the land included in the above-described corridor.

El Gobierno de los Estados Unidos de América extinguirá cualesquiera títulos de propiedad privada existentes o que puedan existir respecto de las tierras comprendidas dentro del corredor arriba mencionado.

Stream and drainage  
crossings.

The stream and drainage crossings of any highway built in the corridor shall not restrict the water passage to less than the capacity of the existing streams and drainage.

Los cruces de corrientes y desagües en los caminos que se construyan sobre el corredor no restringirán el paso de las aguas a menos de la capacidad de las corrientes y desagües existentes.

Construction  
restrictions.

No other construction will take place within the corridor than that relating to the construction of a highway and to the installation of electric power, telephone and telegraph lines; and the only activities which will be conducted within the said corridor will be those pertaining to the construction, maintenance and common uses of a highway and of power and communication lines.

No se hará ninguna otra construcción en el corredor, fuera de la relativa a la construcción de una carretera y a la instalación de líneas de transmisión de energía eléctrica, de teléfonos y de telégrafos; y las únicas actividades que serán ejercidas dentro de dicho corredor serán las correspondientes a la construcción, mantenimiento y usos comunes de una carretera y de líneas de comunicación y de transmisión de fuerza.

Rights reserved.

The United States of America shall enjoy at all times the right of unimpeded transit across the said corridor at any point, and of travel along the corridor, subject to such traffic regulations as may be established by the Government of the Republic of Panama; and the Government of the United States of America shall have the right to such use of the corridor as would be involved in the construction of connecting or intersecting highways or railroads, overhead and underground power, telephone, telegraph and pipe lines, and additional drainage channels, on condition that these structures and their use shall not interfere with the purpose of the corridor as provided hereinabove.

Los Estados Unidos de América disfrutarán en todo tiempo el derecho al tránsito irrestricto a través del expresado corredor por cualquier punto y el de transitar a lo largo de dicho corredor, con sujeción a los reglamentos de tráfico que sean establecidos por el Gobierno de la República de Panamá, y el Gobierno de los Estados Unidos de América tendrá derecho al uso del corredor en cuanto pueda ser necesario para la construcción de empalmes o cruces de carreteras o ferrocarriles, de líneas de transmisión de fuerza, aéreas o subterráneas, líneas de teléfonos, de telégrafos, o de tuberías y de canales de drenaje adicionales, a condición de que estas estructuras y el uso de ellas no estorben los fines del corredor, según lo arriba estipulado.

## ARTICLE IX

## ARTICULO IX

In order that direct means of land communication, together with accommodation for the high tension power transmission lines, may be provided under jurisdiction of the United States of America from the Madden Dam to the Canal Zone, the Republic of Panama hereby transfers to the United States of America jurisdiction over a corridor, the limits of which shall be demarcated by the two Governments pursuant to the following descriptions:

A strip of land 200 ft. in width, extending 62.5 ft. from the center line of the Madden Road on its eastern boundary and 137.5 ft. from the center line of the Madden Road on its western boundary, containing an area of 105.8 acres or 42.81 hectares, as shown on the map which accompanies this Treaty, signed by the Plenipotentiaries of the two countries and marked "Exhibit B".

Beginning at the intersection of the located center line of the Madden Road and the Canal Zone-Republic of Panama 5-mile boundary line, said point being located N. 29°20' W. a distance of 168.04 ft. along said boundary line from boundary monument No. 65, the geodetic position of boundary monument No. 65 being latitude N. 9°07' plus 3,948.8 ft. and longitude 79°37' plus 1,174.6 ft.;

thence N. 43°10' E. a distance of 541.1 ft. to station 324 plus 06.65 ft.;

Con el fin de proveer un medio directo de comunicación por tierra con espacio para la instalación de líneas de transmisión de energía de alta tensión, bajo jurisdicción de los Estados Unidos de América, de la Represa Madden a la Zona del Canal, la República de Panamá transfiere a los Estados Unidos de América jurisdicción sobre un corredor, cuyos límites serán demarcados por los dos Gobiernos, de acuerdo con la descripción siguiente:

Una faja de tierra de 200 pies de ancho, que se extiende 62.5 pies de la línea central de la Carretera Madden sobre su límite Este y 137.5 pies de la línea central de la Carretera Madden sobre su límite Oeste, y que contiene un área de 105.8 acres o 42.81 hectáreas, como se indica en el plano que se acompaña a este Tratado, firmado por los Plenipotenciarios de los dos países y marcado "Anexo B".

Comenzando en la intersección de la línea central localizada sobre la Carretera Madden con la línea limítrofe de cinco millas entre la Zona del Canal y la República de Panamá, estando situado este punto al Norte 29°20' Oeste se sigue en una distancia de 168.04 pies a lo largo de la línea del mencionado límite desde el monumento limítrofe Número 65, siendo la posición geodésica de dicho monumento Número 65 la de 9°07' de Latitud Norte más 3,948.8 pies y 79°37' de Longitud más 1,174.6 pies;

de allí al Norte 43°10' Este en una distancia de 541.1 pies al monumento 324, más 06.65 pies;

Transfer of jurisdiction by Panama over described corridor.

Description.

thence on a 3° curve to the left, a distance of 347.2 ft. to station 327 plus 53.9 ft.;  
de allí siguiendo una curva de 3° hacia la izquierda, en una distancia de 347.2 pies al monumento 327, más 53.9 pies;

thence N. 32°45' E. a distance of 656.8 ft. to station 334 plus 10.7 ft.;  
de allí al Norte 32°45' Este en una distancia de 656.8 pies al monumento 334, más 10.7 pies;

thence on a 3° curve to the left a distance of 455.55 ft. to station 338 plus 66.25 ft.;  
de allí siguiendo una curva de 3° hacia la izquierda en una distancia de 455.55 pies al monumento 338, más 66.25 pies;

thence N. 19°05' E. a distance of 1,135.70 ft. to station 350 plus 01.95 ft.;  
de allí al Norte 19°05' Este en una distancia de 1,135.70 pies al monumento 350, más 01.95 pies;

thence on an 8° curve to the left a distance of 650.7 ft. to station 356 plus 52.7 ft.;  
de allí siguiendo una curva de 8° hacia la izquierda en una distancia de 650.7 pies al monumento 356, más 52.7 pies;

thence N. 32°58' W. a distance of 636.0 ft. to station 362 plus 88.7 ft.;  
de allí al Norte 32°58' Oeste en una distancia de 636.0 pies al monumento 362, más 88.7 pies;

thence on a 10° curve to the right a distance of 227.3 ft. to station 365 plus 16.0 ft.;  
de allí siguiendo una curva de 10° hacia la derecha en una distancia de 227.3 pies al monumento 365, más 16.0 pies;

thence N. 10°14' W. a distance of 314.5 ft. to station 368 plus 30.5 ft.;  
de allí al Norte 10° 14' Oeste en una distancia de 314.5 pies al monumento 368, más 30.5 pies;

thence on a 5° curve to the left a distance of 178.7 ft. to station 370 plus 09.2 ft.;  
de allí siguiendo una curva de 5° hacia la izquierda en una distancia de 178.7 pies al monumento 370, más 09.2 pies;

thence N. 19°10' W. a distance of 4,250.1 ft. to station 412 plus 59.3 ft.;  
de allí al Norte 19° 10' Oeste en una distancia de 4,250.1 pies al monumento 412, más 59.3 pies;

thence on a 5° curve to the right a distance of 720.7 ft. to station 419 plus 80.0 ft.;  
de allí siguiendo una curva de 5° hacia la derecha en una distancia de 720.7 pies al monumento 419 más 80.0 pies;

thence N. 16°52' E. a distance of 1,664.3 ft. to station 436 plus 44.3 ft.;  
de allí al Norte 16° 52' Este en una distancia de 1,664.3 pies al monumento 436 más 44.3 pies;

thence on a 5° curve to the left a distance of 597.7 ft. to station 442 plus 42.0 ft.;  
de allí siguiendo una curva de 5° hacia la izquierda en una distancia de 597.7 pies al monumento 442, más 42.0 pies;

thence N. 13°01' W. a distance of 543.8 ft. to station 447 plus 85.8 ft.;  
de allí al Norte 13° 01' Oeste en una distancia de 543.8 pies al monumento 447, más 85.8 pies;

thence on a 5° curve to the right a distance of 770.7 ft. to station 455 plus 56.5 ft.;

de allí siguiendo una curva de 5° hacia la derecha en una distancia de 770.7 pies al monumento 455, más 56.5 pies;

thence N. 25°31' E. a distance of 1,492.2 ft. to station 470 plus 48.7 ft.;

de allí al Norte 25°31' Este en una distancia de 1,492.2 pies al monumento 470 más 48.7 pies;

thence on a 5° curve to the right a distance of 808.0 ft. to station 478 plus 56.7 ft.;

de allí siguiendo una curva de 5° hacia la derecha en una distancia de 808.0 pies al monumento 478, más 56.7 pies;

thence N. 65°55' E. a distance of 281.8 ft. to station 481 plus 38.5 ft.;

de allí al Norte 65°55' Este en una distancia de 281.8 pies al monumento 481, más 38.5 pies;

thence on an 8° curve to the left a distance of 446.4 ft. to station 485 plus 84.9 ft.;

de allí siguiendo una curva de 8° hacia la izquierda en una distancia de 446.4 pies al monumento 485, más 84.9 pies;

thence N. 30°12' E. a distance of 479.6 ft. to station 490 plus 64.5 ft.;

de allí al Norte 30°12' Este en una distancia de 479.6 pies al monumento 490 más 64.5 pies;

thence on a 5° curve to the left a distance of 329.4 ft. to station 493 plus 93.9 ft.;

de allí siguiendo una curva de 5° hacia la izquierda en una distancia de 329.4 pies al monumento 493, más 93.9 pies;

thence N. 13°44' E. a distance of 1,639.9 ft. to station 510 plus 33.8 ft.;

de allí al Norte 13°44' Este en una distancia de 1,639.9 pies al monumento 510, más 33.8 pies;

thence on a 5° curve to the left a distance of 832.3 ft. to station 518 plus 66.1 ft.;

de allí siguiendo una curva de 5° hacia la izquierda en una distancia de 832.3 pies, al monumento 518, más 66.1 pies;

thence N. 27°53' W. a distance of 483.9 ft. to station 523 plus 50.0 ft.;

de allí al Norte 27°53' Oeste en una distancia de 483.9 pies al monumento 523 más 50.0 pies;

thence on an 8° curve to the right a distance of 469.6 ft. to station 528 plus 19.6 ft.;

de allí siguiendo una curva de 8° hacia la derecha en una distancia de 469.6 pies al monumento 528, más 19.6 pies;

thence N. 9°41' E. a distance of 1,697.6 ft. to station 545 plus 17.2 ft.;

de allí al Norte 9°41' Este en una distancia de 1,697.6 pies al monumento 545, más 17.2 pies;

thence on a 10° curve to the left a distance of 451.7 ft. to station 549 plus 68.9 ft., which is the point marked Point Z on the above-mentioned map known as "Exhibit B".

de allí siguiendo una curva de 10° hacia la izquierda en una distancia de 451.7 pies hasta el monumento 549, más 68.9 pies; que es el punto marcado Punto Z en el mapa arriba mencionado denominado "Anexo B".

(All bearings are true bearings.) (Todos los rumbos se refieren al verdadero meridiano)

Extinguishment of existing private titles.

The Government of the Republic of Panama will extinguish any private titles existing or which may exist in and to the land included in the above-described corridor.

El Gobierno de la República de Panamá extinguirá cualesquiera títulos de propiedad privada existentes o que puedan existir respecto de las tierras comprendidas dentro del corredor arriba mencionado.

Stream and drainage crossings.

The stream and drainage crossings of any highway built in the corridor shall not restrict the water passage to less than the capacity of the existing streams and drainage.

Los cruces de corrientes y desagües en todos los caminos que se construyan sobre el corredor no restringirán el paso de las aguas a menos de la capacidad de las corrientes y desagües existentes.

Construction restrictions.

No other construction will take place within the corridor than that relating to the construction of a highway and to the installation of electric power, telephone and telegraph lines; and the only activities which will be conducted within the said corridor will be those pertaining to the construction, maintenance and common uses of a highway, and of power and communication lines, and auxiliary works thereof.

No se hará ninguna otra construcción en el corredor, fuera de la relativa a la construcción de una carretera y a la instalación de líneas de transmisión de energía eléctrica, de teléfonos y de telégrafos; y las únicas actividades que serán ejercidas dentro de dicho corredor serán las correspondientes a la construcción, mantenimiento y usos comunes de una carretera, de líneas de comunicación y de transmisión de fuerza y de las obras auxiliares de las mismas.

Rights reserved.

The Republic of Panama shall enjoy at all times the right of unimpeded transit across the said corridor at any point, and of travel along the corridor, subject to such traffic regulations as may be established by the authorities of the Panama Canal; and the Government of the Republic of Panama shall have the right to such use of the corridor as would be involved in the construction of connecting or intersecting highways or railroads, overhead and underground power, telephone, telegraph and pipe lines, and additional drainage channels, on condition that these structures

La República de Panamá disfrutará en todo tiempo el derecho al tránsito irrestricto a través del expresado corredor por cualquier punto y el de transitar a lo largo de dicho corredor, con sujeción a los reglamentos de tráfico que sean establecidos por las autoridades del Canal de Panamá, y el Gobierno de la República de Panamá tendrá el derecho al uso del corredor en cuanto pueda ser necesario para la construcción de empalmes o cruces de carreteras o ferrocarriles, de líneas de transmisión de fuerza, aéreas o subterráneas, líneas de teléfonos, de telégrafos o de tuberías y de canales de drenaje

and their use shall not interfere with the purpose of the corridor as provided hereinabove.

adicionales, a condición de que estas estructuras y el uso de ellas no estorben los fines del corredor, según lo arriba estipulado.

#### ARTICLE X

#### ARTICULO X

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

En caso de conflagración internacional o de existencia de cualquier amenaza de agresión en que peligren la seguridad de la República de Panamá o la neutralidad o seguridad del Canal de Panamá, los Gobiernos de la República de Panamá y de los Estados Unidos de América tomarán las medidas de prevención y defensa que consideren necesarias para la protección de sus intereses comunes. Las medidas que parezca esencial tomar a uno de los dos Gobiernos en guarda de dichos intereses y que afecten el territorio bajo la jurisdicción del otro Gobierno serán objeto de consulta entre los dos Gobiernos.

Measures for protection of common interests where security endangered, etc.

#### ARTICLE XI

#### ARTICULO XI

The provisions of this Treaty shall not affect the rights and obligations of either of the two High Contracting Parties under the treaties now in force between the two countries, nor be considered as a limitation, definition, restriction or restrictive interpretation of such rights and obligations, but without prejudice to the full force and effect of any provisions of this Treaty which constitute addition to, modification or abrogation of, or substitution for the provisions of previous treaties.

Las estipulaciones de este tratado no afectarán los derechos y obligaciones de ninguna de las dos Altas Partes Contratantes de conformidad con los tratados vigentes hoy entre los dos países, ni serán consideradas como limitación, definición, restricción o interpretación restrictiva de tales derechos y obligaciones, pero sin perjuicio del pleno vigor y efecto de las estipulaciones de este tratado que constituyen adición, modificación, abrogación o subrogación de las estipulaciones de los tratados anteriores.

Existing treaties not affected.

## ARTICLE XII

## ARTICULO XII

Ratification and effective date.

The present Treaty shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place at Washington.

El presente tratado será ratificado de acuerdo con las formas constitucionales de las Altas Partes Contratantes y entrará en vigor inmediatamente al canjearse las ratificaciones, lo cual tendrá lugar en Washington.

Signatures.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Treaty in duplicate, in the English and Spanish languages, both texts being authentic, and have hereunto affixed their seals.

EN FE DE LO CUAL los Plenipotenciarios han firmado este tratado en duplicado en Inglés y en Español, siendo ambos textos auténticos, y han estampado en él sus sellos.

DONE at the city of Washington the second day of March, 1936.

HECHO en la ciudad de Washington, a los dos días del mes de Marzo de 1936.

CORDELL HULL	[SEAL]
SUMNER WELLES	[SEAL]
R. J. ALFARO	[SEAL]
NARCISO GARAY	[SEAL]

Exchange of ratifications.

AND WHEREAS the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-seventh day of July one thousand nine hundred and thirty-nine;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of July in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

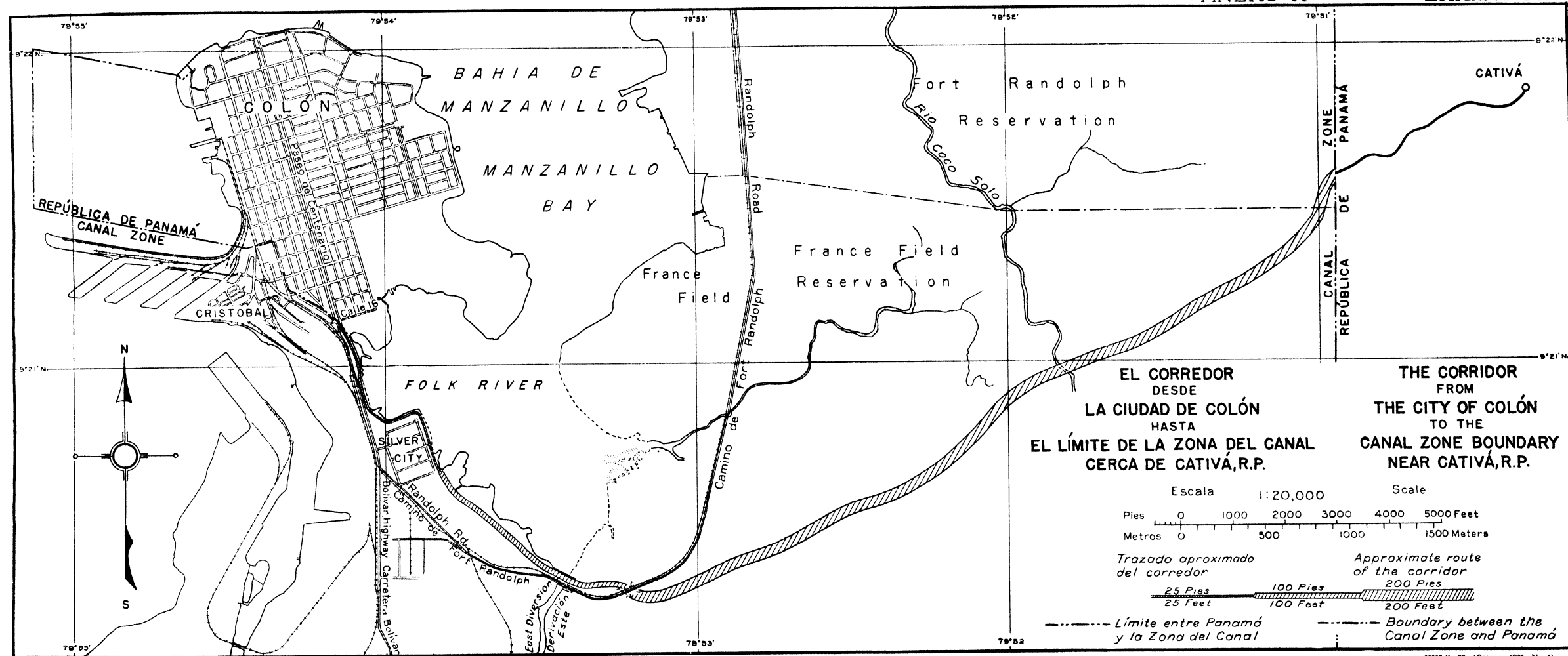
By the President:

CORDELL HULL

*Secretary of State.*







## ANEXO B





## EXCHANGES OF NOTES

*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

En relación con el tratado firmado hoy y los canjes de notas accesorios al mismo tenemos a honra confirmar el entendimiento a que hemos llegado durante las negociaciones de que dondequiera que las estipulaciones de dicho tratado y las declaraciones contenidas en las notas accesorias se refieran a la Zona del Canal, tales estipulaciones y declaraciones son aplicables a todas las tierras y aguas cuyo uso, ocupación o control tengan los Estados Unidos de América.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO

NARCISO GARAY.

Honorable CORDELL HULL,

*Secretario de Estado,*

*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,

*Washington, March 2, 1936.*

SIR:

In connection with the treaty signed today and the exchange of notes accessory thereto we have the honor to confirm the understanding we have reached during the negotiations that wherever the provisions of the said treaty and the statements contained in the accessory notes refer to the Canal Zone, such provisions and statements are applicable to all such lands and waters as may be used, occupied or controlled by the United States of America.

*Ante, p. 1807.*

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO

NARCISO GARAY.

The Honorable CORDELL HULL,

*Secretary of State,*

*Washington, D. C.*

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON

March 2, 1936

SIRS:

I have the honor to acknowledge the receipt of your note of today's date, reading as follows:

"In connection with the treaty signed today and the exchange of notes accessory thereto we have the honor to confirm the understanding we have reached during the negotiations that wherever the provisions of the said treaty and the statements contained in the accessory notes refer to the Canal Zone, such provisions and statements are applicable to all such lands and waters as may be used, occupied or controlled by the United States of America."

In reply, I have the honor to confirm the understanding we have reached as set forth in your note under reference.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON

March 2, 1936

SIRS:

*Ante*, p. 1810.

With reference to Section 1 of Article III of the treaty signed today, wherein are specified the classes of persons to whom goods imported into the Canal Zone, or purchased, produced or manufactured therein, may be sold by the Government of the United States of America, I have the honor to confirm the understanding reached in the course of the recent negotiations, namely, that for the purposes of said Section 1 of Article III, the term "Officers, employees, workmen or laborers in the service or employ of the United States of America", as it appears in Section 2 (a) of said Article III, is interpreted as referring exclusively to such persons whose services are related to the Panama Canal, the Panama Railroad Company or their auxiliary works, and to duly accredited representatives of any branch of the

Government of the United States of America exercising official duties within the Republic of Panama, including diplomatic and consular officers, and to members of their staffs.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*Members of the Panamanian Treaty Commission to the Secretary of  
State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

*Marzo 2 de 1936*

SEÑOR:

Tenemos el honor de acusar recibo de la nota de Vuestra Excelencia que dice lo siguiente:

“Con referencia a la Sección 1ª del Artículo III del tratado firmado hoy, en la que se especifican las categorías de las personas a quienes el Gobierno de los Estados Unidos puede vender artículos importados a la Zona del Canal o comprados, producidos o manufacturados allí, tengo el honor de confirmar a ustedes la inteligencia a que se ha llegado en el curso de las recientes negociaciones, es decir, que para los fines de la mencionada Sección 1ª del Artículo III, la frase “Jefes, empleados, artesanos u obreros al servicio o en el empleo de los Estados Unidos de América”, como aparece en la Sección 2ª inciso (a) del citado Artículo III, se interpreta en el sentido de referirse exclusivamente a las personas cuyos servicios tienen relación con el Canal de Panamá, con la Compañía del Ferrocarril de Panamá u otras obras auxiliares, y a los representantes de cualquier rama del Gobierno de los Estados Unidos de América debidamente acreditados y que desempeñen funciones oficiales dentro de la República de Panamá, incluyéndose a los funcionarios diplomáticos y consulares y al personal de sus despachos.”

En contestación, tenemos el honor de confirmar la inteligencia expresada en la nota de Vuestra Excelencia a que nos hemos referido.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO

NARCISO GARAY

Honorable CORDELL HULL,

*Secretario de Estado,*

*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's note reading as follows:

*Ante, p. 1810.*

"With reference to Section 1 of Article III of the treaty signed today, wherein are specified the classes of persons to whom goods imported into the Canal Zone, or purchased, produced or manufactured therein, may be sold by the Government of the United States of America, I have the honor to confirm the understanding reached in the course of the recent negotiations, namely, that for the purposes of said Section 1 of Article III, the term 'Officers, employees, workmen or laborers in the service or employ of the United States of America', as it appears in Section 2 (a) of said Article III, is interpreted as referring exclusively to such persons whose services are related to the Panama Canal, the Panama Railroad Company or their auxiliary works, and to duly accredited representatives of any branch of the Government of the United States of America exercising official duties within the Republic of Panama, including diplomatic and consular officers, and to members of their staffs."

In reply we have the honor to confirm the understanding set forth in Your Excellency's note under reference.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO

NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

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*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

*Marzo 2 de 1936*

SEÑOR:

En relación con la parte del Artículo III del tratado firmado hoy en que se especifican las personas que tienen derecho de residir en la Zona del Canal, tenemos el honor de manifestar a nombre de nuestro Gobierno que en vista del hecho de que en la Zona del Canal residen los jefes, empleados y obreros de los Estados Unidos de América, los miembros del Ejército y de la Marina y los miembros de las familias de todas esas personas, nuestro Gobierno no haría objeción a la residencia allí de las siguientes personas: hortelanos empleados en el cultivo de hortalizas para abastecer de vegetales a los residentes de la Zona del Canal; vendedores ambulantes que se ocupen en la venta de esos vegetales; propietarios de pequeños establecimientos para el abastecimiento de dichos hortelanos y vendedores ambulantes y miembros de las familias de esas personas.



Es entendido, además, que los colonos dedicados al cultivo de pequeñas parcelas con licencias agrícolas expedidas por el Canal de Panamá continuarán residiendo en la Zona del Canal sujetos a las condiciones expuestas con respecto a estos colonos por los representantes del Gobierno de los Estados Unidos de América durante las negociaciones, a saber: que en la actualidad hay vigentes en la Zona del Canal 1568 licencias agrícolas, más o menos; que todas esas licencias, excepto unas pocas, como las concedidas para hortalizas chinas, van extinguiéndose por causas naturales, es decir, por abandonar el lugar sus tenedores, por muerte de los mismos o por falta de cumplimiento de sus condiciones; que es norma del Canal de Panamá no permitir que la licencia sea transferida por muerte de los tenedores a personas dependientes de ellos, excepto únicamente en casos excepcionales en que de otra manera se causaría perjuicio extremo, y que es también norma del Canal de Panamá no expedir nuevas licencias, con excepción de un número insignificante que se considera necesario para la Zona del Canal, como las concedidas para hortalizas chinas.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

HONORABLE CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

In connection with that part of Article III of the treaty signed today in which the persons are specified who are entitled to reside within the Canal Zone, we have the honor to state in the name of our Government that in view of the residence in the Canal Zone of the officers, employees and laborers of the United States of America, members of the forces of the Army and Navy, and members of the families of all those persons, our Government would have no objection to the residence therein of the following persons also: settlers engaged in the cultivation of truck gardens to furnish vegetables to the residents of the Canal Zone; hucksters engaged in the sale of such vegetables; proprietors of small establishments for the supply of such settlers and hucksters, and members of the families of all these persons.

It is also understood that the settlers engaged in the cultivation of small tracts under agricultural licenses issued by the Panama Canal will continue to reside in the Canal Zone, subject to the conditions, as stated by the representatives of the Government of the United States of America during the negotiations in regard to the settlers, to wit: that at present about 1,568 agricultural licenses in the Canal Zone are outstanding; that all of these licenses except a few, such as those for Chinese gardens, are being terminated by natural processes,

*Ante, p. 1811.*

that is, as the licensees abandon the ground, die, or fail to live up to the terms of the licenses; that it is the policy of the Panama Canal not to permit the license to be transferred to dependents when the licensee dies, except only in exceptional cases where real hardship would otherwise result; and that it is also the policy of the Panama Canal to issue no new licenses, except an inconsequential number regarded as necessary to the Canal Zone, such as for Chinese gardens.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO

NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

---

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

March 2, 1936

SIRS:

I have the honor to acknowledge the receipt of your note of today's date, reading as follows:

*Ante*, p. 1811.

"In connection with that part of Article III of the treaty signed today in which the persons are specified who are entitled to reside within the Canal Zone, we have the honor to state in the name of our Government that in view of the residence in the Canal Zone of the officers, employees and laborers of the United States of America, members of the forces of the Army and Navy, and members of the families of all those persons, our Government would have no objection to the residence therein of the following persons also: settlers engaged in the cultivation of truck gardens to furnish vegetables to the residents of the Canal Zone; hucksters engaged in the sale of such vegetables; proprietors of small establishments for the supply of such settlers and hucksters, and members of the families of all these persons.

"It is also understood that the settlers engaged in the cultivation of small tracts under agricultural licenses issued by the Panama Canal will continue to reside in the Canal Zone, subject to the conditions, as stated by the representatives of the Government of the United States of America during the negotiations in regard to the settlers, to wit: that at present about 1,568 agricultural licenses in the Canal Zone are outstanding; that all of these licenses except a few, such as those for Chinese gardens, are being terminated by natural processes, that is, as the licensees abandon the ground, die, or fail to live up to the terms of the licenses; that it is the policy of the Panama Canal not to permit the license to be transferred to dependents when the licensee dies, except only in exceptional cases where real hardship would otherwise result; and that it is also the policy of the Panama Canal to issue no new licenses, except an inconsequential number regarded as necessary to the Canal Zone, such as for Chinese gardens."

In reply I have the honor to confirm the understanding reached on the foregoing points as set forth in your note under reference.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*Members of the Panamanian Treaty Commission to the Secretary of  
State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

En relación con la parte del Artículo III del tratado firmado hoy en que se especifican las personas que tienen derecho de residir en la Zona del Canal, tenemos a honra manifestar a nombre de nuestro Gobierno que las restricciones establecidas en materia de residencia no afectan en manera alguna a los huéspedes de los hoteles que el Canal de Panamá o la Compañía del Ferrocarril de Panamá mantienen y administran por cuenta del Gobierno de los Estados Unidos de América en la Zona del Canal, puesto que tales huéspedes al ingresar a dichos hoteles no van a la Zona en calidad de residentes sino de transeúntes y el objeto de su estada en la Zona del Canal por tiempo indeterminado no es el de establecer domicilio permanente allí.

Es igualmente entendido que las restricciones tampoco alcanzan a las personas que deseen establecer domicilio permanente en algún hotel de la Zona del Canal, siempre que esas personas sean de las que tienen derecho de residir en la Zona, de conformidad con la Sección 2ª del Artículo III del tratado a que dejamos hecha referencia.

Deseamos dejar constancia de la honda complacencia que nos ha producido la manifestación hecha por los representantes del Gobierno de los Estados Unidos de América durante las negociaciones del tratado, de que el Gobierno de los Estados Unidos de América no tiene la intención ni el deseo de competir con la industria panameña. También nos es grato saber que en lo tocante al negocio de hoteles en la Zona del Canal, éstos fueron establecidos con la mira de llenar las necesidades del tráfico de pasajeros en época en que los hoteles establecidos en Panamá no estaban enteramente capacitados para ello; que tan pronto como esta situación cambie satisfactoriamente se dejará el negocio de hoteles enteramente en manos de la industria establecida en Panamá, y que la prosperidad de la República de Panamá en ésta, como en otras materias, es vehementemente deseada por los Estados Unidos de América.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

HONORABLE CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

*Ante, p. 1811.*

In connection with the part of Article III of the treaty signed today, in which the persons are specified who have a right to reside in the Canal Zone, we have the honor to state in the name of our Government that the restrictions established in the matter of residence in no wise affect the guests of hotels which the Panama Canal or the Panama Railroad Company maintains and manages for account of the Government of the United States of America in the Canal Zone, as such guests in entering such hotels do not go to the Zone as residents but as transients and the object of their stay in the Canal Zone for an indeterminate period is not to establish a permanent domicile there.

It is also understood that the restrictions do not apply to persons who wish to establish a permanent residence in any hotel in the Canal Zone either, provided such persons are among the number of those who have a right to reside in the Zone, in accordance with Section 2 of Article III of the treaty to which we have referred.

We wish to express our great pleasure at the statement made by the representatives of the Government of the United States of America during the negotiation of the treaty, that it is not the intention or desire of the Government of the United States of America to compete with Panamanian industry. We are also pleased to know with respect to the hotels in the Canal Zone that they were established for the purpose of meeting the necessities of the passenger traffic at a time when the hotels established in Panama were not entirely in position to do so; that as soon as this situation is satisfactorily altered the hotel business proper will be left in the hands of the industry established in Panama, and that the prosperity of the Republic of Panama in this, as in other respects, is earnestly desired by the United States of America.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

THE HONORABLE CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

March 2, 1936

SIRS:

I have the honor to acknowledge the receipt of your note of today's date, reading as follows:

"In connection with the part of Article III of the treaty signed today, in which the persons are specified who have a right to reside in the Canal Zone, we have the honor to state in the name of our Government that the restrictions established in the matter of residence in no wise affect the guests of hotels which the Panama Canal or the Panama Railroad Company maintains and manages for account of the Government of the United States of America in the Canal Zone, as such guests in entering such hotels do not go to the Zone as residents but as transients and the object of their stay in the Canal Zone for an indeterminate period is not to establish a permanent domicile there.

*Anle, p. 1811.*

"It is also understood that the restrictions do not apply to persons who wish to establish a permanent residence in any hotel in the Canal Zone either, provided such persons are among the number of those who have a right to reside in the Zone, in accordance with Section 2 of Article III of the treaty to which we have referred.

"We wish to express our great pleasure at the statement made by the representatives of the Government of the United States of America during the negotiation of the treaty, that it is not the intention or desire of the Government of the United States of America to compete with Panamanian industry. We are also pleased to know with respect to the hotels in the Canal Zone that they were established for the purpose of meeting the necessities of the passenger traffic at a time when the hotels established in Panama were not entirely in position to do so; that as soon as this situation is satisfactorily altered the hotel business proper will be left in the hands of the industry established in Panama, and that the prosperity of the Republic of Panama in this, as in other respects, is earnestly desired by the United States of America."

In reply I have the honor to confirm the understanding reached on the foregoing points as set forth in your note under reference.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,*

*Washington, D. C.*

*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Con referencia a la Sección 1ª del Artículo III del tratado firmado hoy, por la cual los sirvientes de las personas incluidas en las categorías (a) a (e) inclusive de la Sección 2ª quedan excluidos de la facultad de comprar artículos importados a la Zona del Canal o comprados, producidos o manufacturados allí por el Gobierno de los Estados Unidos de América, tenemos el honor de expresar la inteligencia del Gobierno de la República de Panamá de que esa exclusión no impide a las personas especificadas en la mencionada Sección 1ª del Artículo III comprar provisiones, medicinas y ropa para uso y consumo de sus sirvientes que estén viviendo con ellos, por estimarse que esos sirvientes forman parte de la familia, según la acepción más lata de esa palabra.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO

NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

*Ante, p. 1810.*

With reference to Section 1 of Article III of the treaty signed today whereby servants of the persons included in classes (a) to (e) inclusive of Section 2 are excluded from purchasing goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America, we have the honor to express the understanding of the Government of the Republic of Panama that such exclusion does not prevent the persons specified in the aforesaid Section 1 of Article III from purchasing provisions, medicines and clothing for use or consumption by their servants who are living with them, such servants being regarded as forming part of the families of such persons, in a broad acceptance of that word.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO

NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

March 2, 1936

SIRS:

I have the honor to acknowledge the receipt of your note of today's date, reading as follows:

"With reference to Section 1 of Article III of the treaty signed today whereby servants of the persons included in classes (a) to (e) inclusive of Section 2 are excluded from purchasing goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America, we have the honor to express the understanding of the Government of the Republic of Panama that such exclusion does not prevent the persons specified in the aforesaid Section 1 of Article III from purchasing provisions, medicines and clothing for use or consumption by their servants who are living with them, such servants being regarded as forming part of the families of such persons, in a broad acceptance of that word."

*Ante*, p. 1810.

In reply I have the honor to confirm the understanding reached on the foregoing point as set forth in your note under reference.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

---

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

March 2, 1936

SIRS:

With reference to Article III of the treaty signed today, I have the honor to state that the Government of the United States of America has no desire to conduct a bonded warehouse business in the Canal Zone, or, in fact to continue the "hold for orders" business in the terminal ports of the Canal as now conducted by the Panama Canal, any longer than until such time as satisfactory bonded warehouse facilities may become available at reasonable rates in Panamanian jurisdiction. At such time, the Government of the United States of America, in order to assist Panamanian business, will be glad voluntarily to withdraw from the conduct of "hold for orders" business and to abstain therefrom for so long as satisfactory bonded warehouse facilities may continue to be available at reasonable rates in Panamanian jurisdiction.

*Ante*, p. 1810.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,*

*Washington, D. C.*

---

*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Tenemos el honor de acusar recibo de la nota de Vuestra Excelencia fechada hoy, que dice lo siguiente:

“Con referencia al Artículo III del tratado firmado hoy, tengo a honra manifestar que el Gobierno de los Estados Unidos de América no desea hacer el negocio de almacenes de depósito en la Zona del Canal, o sea continuar el negocio de “consignaciones a la orden” en los puertos terminales del Canal como lo hace actualmente el Canal de Panamá, sino hasta tanto haya disponibles almacenes de depósito satisfactorios y a ratas razonables en jurisdicción panameña. Cuando ésto suceda el Gobierno de los Estados Unidos de América, con el fin de ayudar al comercio panameño, se complacerá en retirarse voluntariamente del negocio de “consignaciones a la orden” y en abstenerse del mismo mientras haya disponibles almacenes de depósito satisfactorios y a ratas razonables en jurisdicción panameña.”

En contestación, tenemos el honor de manifestar que el Gobierno de la República de Panamá se ha impuesto con satisfacción de las seguridades que contiene la nota de Vuestra Excelencia a que nos hemos referido.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO

NARCISO GARAY

Honorable CORDELL HULL,

*Secretario de Estado,*

*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,

*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

“With reference to Article III of the treaty signed today, I have the honor to state that the Government of the United States of America has no desire to conduct a bonded warehouse business



in the Canal Zone, or, in fact to continue the 'hold for orders' business in the terminal ports of the Canal as now conducted by the Panama Canal, any longer than until such time as satisfactory bonded warehouse facilities may become available at reasonable rates in Panamanian jurisdiction. At such time, the Government of the United States of America, in order to assist Panamanian business, will be glad voluntarily to withdraw from the conduct of 'hold for orders' business and to abstain therefrom for so long as satisfactory bonded warehouse facilities may continue to be available at reasonable rates in Panamanian jurisdiction."

In reply we have the honor to state that the Government of the Republic of Panama has noted with gratification the assurances contained in Your Excellency's note under reference.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

---

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON  
*March 2, 1936*

SIRS:

With reference to Article III of the treaty signed today and to the joint statement issued by President Arias and President Roosevelt on October 17, 1933, I have the honor to advise you that the Canal Zone authorities will continue to take administrative measures to limit the use and services of hospitals, dispensaries, restaurants, lunch-rooms, messes, clubhouses and moving picture houses maintained and operated in the Canal Zone to residents of the Canal Zone and to the following persons who may not be residents of the Canal Zone and members of their families actually living with them: officers and employees of the Government of the United States of America, the Panama Canal or the Panama Railroad Company and members of the armed forces of the United States of America. As regards laundries and cleaning and pressing establishments so maintained and operated, similar restrictions will be made, and moreover such service of laundries and cleaning and pressing establishments will not be available for ships and their crews and passengers transiting the Canal so long as satisfactory service is furnished by similar establishments in Panama.

*Ante, p. 1810.*

It is understood that these measures will not preclude admission to and services of the hospitals and dispensaries of the United States of America in cases of emergencies occurring within the Canal Zone, and that those facilities will likewise be available for officers and members of the crews of ships arriving at the Canal Zone ports; and that these measures will not preclude admission to the restaurants, lunch-rooms,

messes, clubhouses and moving picture houses of guests of the persons entitled to use these establishments when the admission or consumption expenses are paid by those persons.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

---

*Members of the Panamanian Treaty Commission to the Secretary of  
State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Tenemos el honor de acusar recibo de la nota de Vuestra Excelencia fechada hoy que dice lo siguiente:

“Con referencia al Artículo III del tratado firmado hoy y a la declaración conjunta del Presidente Arias y del Presidente Roosevelt del 17 de Octubre de 1933, tengo a honra informar a ustedes que las autoridades de la Zona del Canal continuarán adoptando medidas administrativas para que el uso y el servicio de hospitales, dispensarios, restaurantes, merenderos, comedores militares, clubes y cinematógrafos establecidos y explotados en la Zona del Canal, sean limitados a los residentes de la Zona del Canal y a las siguientes personas que pueden no ser residentes de la Zona del Canal, y miembros de sus familias que realmente vivan con ellas, a saber: jefes y empleados del Gobierno de los Estados Unidos de América, del Canal de Panamá o de la Compañía del Ferrocarril de Panamá y miembros de las fuerzas armadas de los Estados Unidos de América. Iguales restricciones se establecerán con respecto a las lavanderías y a los establecimientos de aplanchado y de limpieza de ropa establecidos y explotados allí, y además no se suministrará el servicio de esas lavanderías ni el de los establecimientos de aplanchado y de limpieza de ropa a las naves que pasen por el Canal ni a sus tripulaciones y pasajeros, por todo el tiempo que se haga satisfactoriamente este servicio por establecimientos similares de Panamá.

“Es entendido que estas medidas no impedirán la admisión a los hospitales y dispensarios de los Estados Unidos de América ni la prestación de sus servicios cuando se trate de casos de emergencia que ocurran dentro de la Zona del Canal, y que esas facilidades serán igualmente asequibles a los oficiales y tripulantes de los buques que lleguen a los puertos de la Zona del Canal; ni impedirán tampoco estas medidas la admisión a los restaurantes, merenderos, comedores militares, clubes y cinematógrafos, de huéspedes de las personas que tienen derecho a usar esos establecimientos cuando los gastos de admisión o de consumo sean pagados por esas personas.”

En contestación, tenemos el honor de confirmar la inteligencia a que se ha llegado sobre los puntos anteriores según queda expuesta en la nota de Vuestra Excelencia a que nos hemos referido.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

"With reference to Article III of the treaty signed today and to the joint statement issued by President Arias and President Roosevelt on October 17, 1933, I have the honor to advise you that the Canal Zone authorities will continue to take administrative measures to limit the use and services of hospitals, dispensaries, restaurants, lunch-rooms, messes, clubhouses and moving picture houses maintained and operated in the Canal Zone to residents of the Canal Zone and to the following persons who may not be residents of the Canal Zone and members of their families actually living with them: officers and employees of the Government of the United States of America, the Panama Canal or the Panama Railroad Company and members of the armed forces of the United States of America. As regards laundries and cleaning and pressing establishments so maintained and operated, similar restrictions will be made, and moreover such service of laundries and cleaning and pressing establishments will not be available for ships and their crews and passengers transiting the Canal so long as satisfactory service is furnished by similar establishments in Panama.

*Ante, p. 1810.*

"It is understood that these measures will not preclude admission to and services of the hospitals and dispensaries of the United States of America in cases of emergencies occurring within the Canal Zone, and that those facilities will likewise be available for officers and members of the crews of ships arriving at the Canal Zone ports; and that these measures will not preclude admission to the restaurants, lunch-rooms, messes, clubhouses and moving picture houses of guests of the persons entitled to use these establishments when the admission or consumption expenses are paid by those persons."

In reply we have the honor to confirm the understanding reached on the foregoing points as set forth in Your Excellency's note under reference.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

March 2, 1936.

SIRS:

*Ante*, p. 1812.

With reference to Section 4 of Article III of the treaty signed today wherein it is stated that the Government of the United States of America will continue to cooperate in all proper ways with the Republic of Panama to prevent smuggling into territory under the jurisdiction of the Republic of goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America, I have the honor to state that the Governor of the Panama Canal will be prepared to appoint a representative to meet with a representative appointed by your Government in order that regular and continuing opportunity may be afforded for mutual conference and helpful exchange of views bearing on this question.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

---

*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Tenemos el honor de acusar recibo de la nota de Vuestra Excelencia fechada hoy, que dice lo siguiente:

“Con referencia a la Sección 4ª del Artículo III del tratado firmado hoy en la cual se declara que el Gobierno de los Estados Unidos de América continuará cooperando por todos los medios apropiados con la República de Panamá, en la prevención del contrabando al territorio bajo jurisdicción de la República de artículos importados a la Zona del Canal o comprados, producidos o manufacturados allí por el Gobierno de los Estados Unidos de América, tengo el honor de manifestar a ustedes que el Gobernador del Canal de Panamá estará listo para nombrar a un representante que se reuna con un representante nombrado por su Gobierno, a fin de que haya así oportunidad regular y continua de consulta mutua y cambio provechoso de ideas con respecto a esta cuestión.”

En contestación, tenemos el honor de expresar el acuerdo del Gobierno de la República de Panamá respecto del procedimiento esbozado en la nota de Vuestra Excelencia a que nos hemos referido.

Acepte Vuestra Excelencia las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

"With reference to Section 4 of Article III of the treaty signed today wherein it is stated that the Government of the United States of America will continue to cooperate in all proper ways with the Republic of Panama to prevent smuggling into territory under the jurisdiction of the Republic of goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America, I have the honor to state that the Governor of the Panama Canal will be prepared to appoint a representative to meet with a representative appointed by your Government in order that regular and continuing opportunity may be afforded for mutual conference and helpful exchange of views bearing on this question."

*Ante, p. 1812.*

In reply we have the honor to express the agreement of the Government of the Republic of Panama with the procedure outlined in Your Excellency's note under reference.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

---

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON  
*March 2, 1936*

SIRS:

With reference to Section 5 of Article III of the treaty signed today regulating the establishment in the Canal Zone of private business enterprises, I have the honor to express the understanding of the Government of the United States of America that the provisions of this section shall not prevent the establishment in the Canal Zone of private

*Ante, p. 1812.*

enterprises temporarily engaged in construction work having a direct relation to the operation, maintenance, sanitation or protection of the Canal.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

---

*Members of the Panamanian Treaty Commission to the Secretary of  
State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Tenemos el honor de acusar recibo de la nota de Vuestra Excelencia fechada hoy, que dice lo siguiente:

“Con referencia a la Sección 5ª del Artículo III del tratado firmado hoy que reglamenta el establecimiento en la Zona del Canal de empresas comerciales privadas, tengo el honor de expresar la inteligencia del Gobierno de los Estados Unidos de América de que las estipulaciones de esta Sección no impiden el establecimiento en la Zona del Canal de empresas privadas dedicadas temporalmente a trabajos de construcción que tengan relación directa con el funcionamiento, mantenimiento, saneamiento y protección del Canal.”

En contestación, tenemos el honor de confirmar la inteligencia expresada en la nota de Vuestra Excelencia a que nos hemos referido.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO

NARCISO GARAY

Honorable CORDELL HULL,

*Secretario de Estado,*

*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,

*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

“With reference to Section 5 of Article III of the treaty signed today regulating the establishment in the Canal Zone of private business enterprises, I have the honor to express the understanding of the Government of the United States of America that the provisions of this section shall not prevent the establishment in the Canal Zone of private enterprises temporarily engaged in construction work having a direct relation to the operation, maintenance, sanitation or protection of the Canal.”

In reply we have the honor to confirm the understanding set forth in Your Excellency's note under reference.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

---

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON  
March 2, 1936

SIRS:

With reference to the question of the sale to ships of goods imported into the Canal Zone by the Government of the United States of America, I have the honor to advise you that it will be the policy of this Government to effect such sales on the following basis:

Articles classed by the Panama Canal as "ships stores", such as articles, materials and supplies necessary for the navigation, propulsion and upkeep of vessels, will continue to be sold as at present;

Articles classed by the Panama Canal as tourist or luxury goods will not be sold to ships;

Articles classed by the Panama Canal as "sea stores", such as articles for the use or consumption of the passengers and crew of the ship upon its voyage, and articles of other classes, will be sold at prices which, in the judgment of the Government of the United States of America and insofar as may appear feasible, will afford merchants of Panama fair opportunity to sell on equal terms. To arrive at the prices at which these articles will be sold to ships the retail prices of such articles to Canal Zone employees will be taken as a base, and a surcharge added thereto, when necessary; and no discount for purchases of large quantities will be granted to ships making such purchases.

For your information I am enclosing herewith four lists illustrative but not in any sense exhaustive of the various articles included in the four classes mentioned above, namely: (1) ships stores; (2) tourist or luxury goods; (3) sea stores; and, (4) articles of other classes.

It is the hope of the Government of the United States of America that in benefit of Panamanian commerce merchants of Panama may be able to furnish in satisfactory quantities and qualities and at reasonable prices many or all of the articles classed as "sea stores" and as "articles of other classes" purchased by ships arriving at terminal ports of the Canal or transiting the Canal. It will be the policy of the United States of America that whenever and for so long as merchants of Panama are in fact able to furnish certain articles as so described in satisfactory quantities and qualities and at reasonable prices, the Canal Zone commissaries will refrain from selling like articles to ships.

In accordance with the policy of affording merchants of Panama full opportunity for making sales to ships, the launch facilities now employed by the Government of the United States of America in effecting sales to ships will be made available on equal terms to merchants of Panama, subject to appropriate administrative regulations of the Canal Zone.

The Governor of the Panama Canal will be prepared to appoint a representative to meet with a representative of Panamanian commerce appointed by your Government, in order that regular and continuing opportunity may be afforded for mutual conference and helpful exchange of views bearing on these questions, including the amount of the surcharge to be established, when necessary, in connection with "sea stores" and "articles of other classes".

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

[Enclosures]

#### SHIPS STORES

Fuel

Oil and grease

Hardware (bolts, nuts, nails, tools, et cetera)

Paints

Disinfectants and insecticides

Rope, cable, chain

#### TOURIST OR LUXURY GOODS

Articles of personal adornment

Women's and children's fancy and foreign wearing apparel

Perfumes and expensive lotions and fancy and foreign toilet articles

Foreign high quality linens, table ware and house furnishing articles

Expensive and foreign bolt goods

Men's foreign articles and wearing apparel

Panama hats

Liquors, wines, and beer

#### SEA STORES

Goods only of standard quality and almost without exception of  
American source

Food supplies

Medical supplies

Stationery and stationery supplies

Galley and table utensils and equipment

Table and bunk linen



Mosquito bars, canvas, cheese cloth  
Work clothes  
Cleaning materials and equipment

#### ARTICLES OF OTHER CLASSES

Goods similar to those listed under sea stores, but of better than standard quality  
Many articles of many classes, such as those sold in department stores, excepting those articles classed under "tourist or luxury goods".

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*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Tenemos a honra acusar recibo de la atenta comunicación de Vuestra Excelencia, por medio de la cual se sirve expresarnos cual será la política de los Estados Unidos de América en lo relativo a la venta a las naves de artículos importados por los Estados Unidos de América a la Zona del Canal.

Acerca de este asunto la República de Panamá debe hacer reserva expresa de sus derechos, conforme a su concepto de que las exenciones de que trata el Artículo XIII de la Convención de 18 de Noviembre de 1903 fueron pactadas exclusivamente en beneficio de la empresa del Canal, de las personas al servicio de los Estados Unidos de América en relación con el mismo y de sus familias; pero mientras se llega a un entendimiento respecto de este asunto el Gobierno panameño desea expresar la grata satisfacción que le causa la decisión del Gobierno de los Estados Unidos de América de poner en vigor medidas como las expuestas en la nota que contestamos, para el efecto de restringir las ventas a las naves, que en épocas anteriores a la presente habían venido haciéndose sin limitación alguna. Igual satisfacción causa al Gobierno panameño el propósito fundamental que pone de manifiesto la nota en referencia de dejar en manos de los comerciantes de Panamá el negocio de aprovisionamiento de los buques que lleguen a los puertos terminales del canal o que pasen por el canal y de abstenerse el Gobierno de los Estados Unidos de América de hacer aquellas ventas, mientras los comerciantes de Panamá muestren efectivamente su capacidad de suministrar mercancías a las naves en cantidades y calidades satisfactorias y a precios razonables.

Nuestro Gobierno está dispuesto a nombrar un representante escogido por el Comercio de Panamá para entenderse con un representante de la Administración del Canal, a fin de que haya así oportunidad regular y continua de consulta y de cooperación para la realización de los fines arriba expresados.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

HONORABLE CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's kind communication, in which you indicate what will be the policy of the United States of America in regard to the sale to ships of articles imported by the United States into the Canal Zone.

With regard to this matter the Government of the Republic of Panama must make a special reservation of its rights, in conformity with its opinion that the exemptions covered by Article XIII of the Convention of November 18, 1903, were stipulated exclusively for the benefit of the Canal enterprise, of the persons in the service of the United States of America in connection therewith, and of their families; but until an understanding is reached regarding this matter, the Panamanian Government desires to express its deep satisfaction at the decision of the Government of the United States of America to put into effect measures such as those set forth in the note to which this is a reply, for the purpose of restricting sales to ships, which in former times had been made without any limitation. The Panamanian Government feels an equal satisfaction at the basic purpose set forth in the said note that the business of provisioning vessels arriving at terminal ports of the Canal or transiting the Canal will be left in the hands of the merchants of Panama and that the Government of the United States of America will abstain from making such sales whenever and for so long as merchants of Panama effectively demonstrate their ability to supply merchandise to vessels in satisfactory quantities and qualities and at reasonable prices.

Our Government is prepared to appoint a representative selected by the business men of Panama to come to meet with a representative of the Canal Administration, in order that regular and continuing opportunity may be afforded for conference and cooperation for the accomplishment of the above-mentioned purposes.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

THE HONORABLE CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

*Members of the Panamanian Treaty Commission to the Secretary of State  
(Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Con referencia al segundo párrafo del Artículo V del tratado firmado hoy que se refiere, en parte, a las obras marítimas establecidas o que se establezcan en los puertos de Panamá y Colón por la República de Panamá o por su autoridad, tenemos el honor de confirmar el acuerdo a que se ha llegado durante las negociaciones, de que esas estipulaciones no perjudican el derecho de la Compañía del Ferrocarril de Panamá, emanado de sus concesiones, a la propiedad y manejo de obras marítimas en esos puertos, ni los derechos que puedan pasar de la citada Compañía al Gobierno de los Estados Unidos de América.

Acepte, Vuestra Excelencia, las seguridades de nuestra más alta consideración.

R. J. ALFARO

NARCISO GARAY

Honorable CORDELL HULL,

*Secretario de Estado,*

*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,

*Washington, March 2, 1936.*

SIR:

With reference to the second paragraph of Article V of the treaty signed today which pertains, in part, to facilities established or to be established in the ports of Panamá and Colón by the Republic of Panama or by its authority, we have the honor to confirm the agreement reached during the negotiations that such provisions are not intended to prejudice the right of the Panama Railroad Company, derived from its concessions, to own and operate port facilities in those ports or any such rights as may pass from the said Company to the Government of the United States of America.

*Ante, p. 1818.*

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO

NARCISO GARAY

The Honorable CORDELL HULL,

*Secretary of State,*

*Washington, D. C.*

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON

March 2, 1936

SIRS:

I have the honor to acknowledge the receipt of your note of today's date, reading as follows:

*Ante*, p. 1815.

"With reference to the second paragraph of Article V of the treaty signed today which pertains, in part, to facilities established or to be established in the ports of Panamá and Colón by the Republic of Panama or by its authority, we have the honor to confirm the agreement reached during the negotiations that such provisions are not intended to prejudice the right of the Panama Railroad Company, derived from its concessions, to own and operate port facilities in those ports or any such rights as may pass from the said Company to the Government of the United States of America."

In reply I have the honor to confirm the agreement we have reached as set forth in your note under acknowledgment.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ  
WASHINGTON

Marzo 2 de 1936

SEÑOR:

Con referencia al párrafo tercero del Artículo V del tratado firmado hoy, por el cual se reconoce el derecho de la República de Panamá a determinar qué personas o clases de personas que lleguen a los puertos de la Zona del Canal serán admitidas a la República de Panamá y de determinar asimismo a qué personas o clases de personas que lleguen a esos puertos se les negará entrada a la República de Panamá, tenemos el honor de expresar la inteligencia del Gobierno de la República de Panamá de que esta estipulación no perjudica en manera alguna el efecto de la estipulación contenida en el párrafo tercero del Artículo IV con respecto a las personas en el servicio de los Estados Unidos de

América o residentes en la Zona del Canal, que pasen de la Zona del Canal a la jurisdicción de la República de Panamá.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

With reference to the third paragraph of Article V of the treaty signed today in which is recognized the right of the Republic of Panama to determine what persons or classes of persons arriving at ports of the Canal Zone shall be admitted to the Republic of Panama and to determine likewise what persons or classes of persons arriving at such ports shall be excluded from admission to the Republic of Panama, we have the honor to express the understanding of the Government of the Republic of Panama that this provision does not prejudice in any way the effect of the stipulation contained in the third paragraph of Article IV, with regard to persons in the service of the United States of America or residing in the Canal Zone, passing from the Canal Zone into the jurisdiction of the Republic of Panama.

*Ante, p. 1815.*

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

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*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON  
*March 2, 1936*

SIRS:

I have the honor to acknowledge the receipt of your note of today's date, reading as follows:

"With reference to the third paragraph of Article V of the treaty signed today in which is recognized the right of the Republic of Panama to determine what persons or classes of persons

*Ante, p. 1815.*

arriving at ports of the Canal Zone shall be admitted to the Republic of Panama and to determine likewise what persons or classes of persons arriving at such ports shall be excluded from admission to the Republic of Panama, we have the honor to express the understanding of the Government of the Republic of Panama that this provision does not prejudice in any way the effect of the stipulation contained in the third paragraph of Article IV, with regard to persons in the service of the United States of America or residing in the Canal Zone, passing from the Canal Zone into the jurisdiction of the Republic of Panama."

In reply I have the honor to confirm the understanding reached on the foregoing point as set forth in your note under reference.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

March 2, 1936

SIRS:

I have the honor to confirm my understanding of the agreement reached during the negotiation of the treaty signed today to the effect that, in furtherance of the purpose of Article VII of the Convention of November 18, 1903, so far as it relates to the sanitation of the cities of Panamá and Colón, the Health Services of the Republic of Panama and of the Panama Canal will give consideration to the advisability of discussing and concluding agreements which might well take as a basis for formulation the proposals advanced in October 1931, by the Director General of Health and Welfare of the Republic of Panama and the Chief Health Officer of the Panama Canal for the amplification, extension and modernization of the health service of the City of Panamá.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ  
WASHINGTON  
Marzo 2 de 1936.

SEÑOR:

Tenemos el honor de acusar recibo de la nota de Vuestra Excelencia fechada hoy, que dice lo siguiente:

"Tengo el honor de confirmar mi inteligencia del acuerdo a que llegamos durante la negociación del tratado firmado hoy, en el sentido de que, en desarrollo de los fines del Artículo VII de la Convención de 18 de Noviembre de 1903, en lo concerniente al saneamiento de las ciudades de Panamá y Colón, los Departamentos Sanitarios de la República de Panamá y del Canal de Panamá considerarán la conveniencia de discutir y celebrar acuerdos para cuya elaboración bien podrían tomarse como base las propuestas hechas en Octubre de 1931, por el Director General de Sanidad y Beneficencia de la República de Panamá y el Oficial Jefe de Sanidad del Canal de Panamá para la ampliación, extensión y modernización del servicio sanitario de la ciudad de Panamá."

En contestación, tenemos el honor de manifestar que la inteligencia de Vuestra Excelencia sobre el anterior acuerdo es conforme con la inteligencia del Gobierno de la República de Panamá.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

"I have the honor to confirm my understanding of an agreement reached during the negotiation of the treaty signed today to the effect that, in furtherance of the purpose of Article VII of the Convention of November 18, 1903, so far as it relates to the sanitation of the cities of Panamá and Colón, the Health Services of the Republic of Panama and of the Panama Canal will give consideration to the advisability of discussing and concluding agreements which might well take as a basis for formulation the proposals advanced in October 1931, by the Director General of Health and Welfare of the Republic of Panama and the Chief Health Officer of the Panama Canal for the amplification, extension and modernization of the health service of the City of Panamá."

33 Stat. 2236.

In reply we have the honor to state that Your Excellency's understanding of the foregoing agreement is in conformity with the understanding of the Government of the Republic of Panama.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

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*Members of the Panamanian Treaty Commission to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ  
WASHINGTON  
Marzo 2 de 1936

SEÑOR:

En el curso de las recientes negociaciones para la revisión de la Convención de 18 de Noviembre de 1903, llamamos la atención de su Gobierno sobre ciertas cuestiones que han surgido con respecto a la parte del Artículo VII de la citada Convención que se refiere a la construcción por los Estados Unidos de América de los acueductos y albañales de las ciudades de Panamá y Colón, y a la amortización de su costo dentro de un período de cincuenta años, pensando al principio que estos asuntos podían solucionarse durante las negociaciones.

Se encontró, sin embargo, que para llegar a un completo acuerdo sobre estos asuntos se necesitaría un examen largo, cuidadoso y completo de sus aspectos técnico, legal y financiero, y por lo tanto, se convino dejar en suspenso la discusión formal de estas cuestiones y que después de la terminación del nuevo tratado los dos Gobiernos procederían a discutir las amigablemente con el fin de llegar a un acuerdo equitativo y mutuamente satisfactorio.

Nuestro Gobierno entiende que estas discusiones envolverán un estudio de los contratos del 30 de Septiembre de 1910, celebrados entre el Gobierno de la República de Panamá y la Comisión del Canal Istmico, y un examen de las cuentas entre las dos administraciones, relativas a las tarifas de agua de las ciudades de Panamá y Colón. A este respecto se cree que debe darse la debida consideración, entre otras cosas, a las representaciones hechas por la Comisión Panameña en el curso de las recientes negociaciones, y especialmente a su Memorandum del 12 de Marzo de 1935 y a su Aide-Memoire del 14 de Agosto de 1935.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*



[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

In the course of the recent negotiations for a revision of the Convention of November 18, 1903, we have brought to the attention of your Government certain questions which have arisen in respect of that part of Article VII of the said Convention which refers to the construction by the United States of America of the water works and sewers in the cities of Panamá and Colón, and to the amortization of the cost thereof within a period of fifty years, thinking at first that these matters could be disposed of during the negotiations.

33 Stat. 2234.

It was found, however, that to reach a complete understanding of these matters a long, painstaking and exhaustive examination of the technical, legal and financial aspects thereof would be required, and it was therefore decided that formal discussion of these questions would be held in abeyance and that after the conclusion of the new treaty the two Governments would engage in friendly discussions in an endeavor to arrive at a fair and mutually satisfactory agreement.

It is the understanding of our Government that such discussions will involve a study of the contracts of September 30, 1910, between the Government of the Republic of Panama and the Isthmian Canal Commission, and an examination of the accounts between the two administrations relating to water rates in the cities of Panamá and Colón. In this connection it is believed that due consideration should be given, among other things, to the representations made by the Panamanian Commission in the course of the recent negotiations, and especially to its memorandum of March 12, 1935, and its Aide-Memoire of August 14, 1935.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

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*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE  
WASHINGTON  
*March 2, 1936*

SIRS:

I have the honor to acknowledge the receipt of your note of today's date, reading as follows:

"In the course of the recent negotiations for a revision of the Convention of November 18, 1903, we have brought to the attention of your Government certain questions which have arisen in respect of that part of Article VII of the said Convention which refers to the construction by the United States of America

33 Stat. 2234.

of the water works and sewers in the cities of Panamá and Colón, and to the amortization of the cost thereof within a period of fifty years, thinking at first that these matters could be disposed of during the negotiations.

"It was found, however, that to reach a complete understanding of these matters a long, painstaking and exhaustive examination of the technical, legal and financial aspects thereof would be required, and it was therefore decided that formal discussion of these questions would be held in abeyance and that after the conclusion of the new treaty the two Governments would engage in friendly discussions in an endeavor to arrive at a fair and mutually satisfactory agreement.

"It is the understanding of our Government that such discussions will involve a study of the contracts of September 30, 1910, between the Government of the Republic of Panama and the Isthmian Canal Commission, and an examination of the accounts between the two administrations relating to water rates in the cities of Panamá and Colón. In this connection it is believed that due consideration should be given, among other things, to the representations made by the Panamanian Commission in the course of the recent negotiations, and especially to its memorandum of March 12, 1935, and its Aide-Memoire of August 14, 1935."

In reply I have the honor to advise you that the Government of the United States of America, in accordance with the procedure outlined in your note under reference, will be pleased to instruct the American Minister in Panama to arrange for conversations between the appropriate authorities of the Republic of Panama and of the Canal Zone in order that the Government of the Republic of Panama may present such specific proposals in the premises as it may desire, and in order that an opportunity may thus be afforded for reaching an agreement on these matters satisfactory to both Governments.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

*March 2, 1936*

SIRS:

With reference to the representations made by you during the negotiation of the treaty signed today, regarding Panamanian citizens employed by the Panama Canal or by the Panama Railroad Company, I have the honor to state that the Government of the United States

of America, in recognition of the special relationship between the United States of America and the Republic of Panama with respect to the Panama Canal and the Panama Railroad Company, maintains and will maintain as its public policy the principle of equality of opportunity and treatment set down in the Order of December 23, 1908, of the Secretary of War, and in the Executive Orders of February 2, 1914, and February 20, 1920, and will favor the maintenance, enforcement or enactment of such provisions, consistent with the efficient operation and maintenance of the Canal and its auxiliary works and their effective protection and sanitation, as will assure to Panamanian citizens employed by the Canal or the Railroad equality of treatment with employees who are citizens of the United States of America.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*Members of the Panamanian Treaty Commission to the Secretary of  
State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

*Marzo 2 de 1936*

SEÑOR:

Tenemos el honor de acusar recibo de la nota de Vuestra Excelencia fechada hoy que dice lo siguiente:

“Con referencia a las representaciones hechas por ustedes durante las negociaciones del tratado firmado hoy, relacionadas con los ciudadanos panameños empleados en el Canal y en la Compañía del Ferrocarril de Panamá, tengo el honor de manifestar a ustedes que el Gobierno de los Estados Unidos de América en reconocimiento de las especiales relaciones que existen entre los Estados Unidos de América y la República de Panamá con respecto al Canal de Panamá y a la Compañía del Ferrocarril de Panamá, mantiene y mantendrá como política suya el principio de igualdad de oportunidades y de trato consignado en la Orden del Secretario de Guerra del 23 de Diciembre de 1908, y en las Ordenes Ejecutivas del 2 de Febrero de 1914 y del 20 de Febrero de 1920, y favorecerá el mantenimiento, la efectividad y la expedición de disposiciones, compatibles con el eficiente funcionamiento y mantenimiento del Canal y sus obras auxiliares y con su efectiva protección y saneamiento, que aseguren a los ciudadanos panameños empleados en el Canal o en el Ferrocarril igualdad de trato con los empleados que son ciudadanos de los Estados Unidos de América.”

En contestación, tenemos el honor de expresar la complacencia del Gobierno de la República de Panamá por la declaración de la política enunciada en la nota de Vuestra Excelencia a que nos hemos referido.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's note of today's date, reading as follows:

"With reference to the representations made by you during the negotiation of the treaty signed today, regarding Panamanian citizens employed by the Panama Canal or by the Panama Railroad Company, I have the honor to state that the Government of the United States of America, in recognition of the special relationship between the United States of America and the Republic of Panama with respect to the Panama Canal and the Panama Railroad Company, maintains and will maintain as its public policy the principle of equality of opportunity and treatment set down in the Order of December 23, 1908, of the Secretary of War, and in the Executive Orders of February 2, 1914, and February 20, 1920, and will favor the maintenance, enforcement or enactment of such provisions, consistent with the efficient operation and maintenance of the Canal and its auxiliary works and their effective protection and sanitation, as will assure to Panamanian citizens employed by the Canal or the Railroad equality of treatment with employees who are citizens of the United States of America."

In reply we have the honor to express the gratification of the Government of the Republic of Panama at the declaration of policy set forth in Your Excellency's note under reference.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the Members of the Panamanian Treaty Commission*

DEPARTMENT OF STATE

WASHINGTON

March 2, 1936

SIRS:

I have the honor to refer to our conversations with respect to the effect upon the Monetary Agreement of June 20, 1904, between the United States of America and the Republic of Panama as modified by the exchanges of notes of March 26–April 2, 1930, and of May 28–June 6, 1931, of the action taken by the President of the United States of America in his Proclamation of January 31, 1934, reducing the weight of the gold dollar of the United States of America.

48 Stat. 1730.

It has been recognized that, as a result of this action, the provision of the Monetary Agreement that the monetary unit of the Republic of Panama should be a gold Balboa of the weight of one gram, 672 milligrams, nine-tenths fine, is no longer consistent with the necessary condition of the Agreement that the standard unit of value of the United States of America, the dollar, and the standard unit of value of the Republic of Panama, the Balboa, should continue at a parity at the rate of one dollar for one Balboa. It has also been recognized that in the Republic of Panama and in the Canal Zone silver Balboas and fractional currency of the Republic are circulating together with United States currency at the rate of one Balboa for one dollar.

For these reasons, it is desirable that the existing Monetary Agreement, as modified, be further modified to make provision for the reduction of the weight of the gold Balboa so that the legal standard units of value of the Republic of Panama and of the United States of America shall be equal. Accordingly, for the purpose of Article VII of the General Treaty signed today, the Balboa shall be regarded as defined to consist of 987½ milligrams of gold of 0.900 fineness.

*Ante*, p. 1818.

It is understood that the reduction in the weight of the gold Balboa shall not necessitate an alteration of the weight of the silver coins of the Republic of Panama, but that these shall continue to be of the same size, weight and fineness as at present.

Notwithstanding any language contained in the existing Monetary Agreement, as modified, which has been interpreted or might be interpreted as limiting the number of coins of any denomination to be issued by the Republic of Panama within the total amount of coins of all denominations, it is now understood and agreed that the Monetary Agreement, as modified, shall not be considered as contemplating any such limitation, so that, as long as such total amount is not exceeded, that total amount may be apportioned among the coins of the various denominations referred to in the Agreement as may seem fitting to the Government of the Republic of Panama.

As a further modification of the existing Monetary Agreement, it is agreed that the Government of the United States of America shall not be required to accept Panamanian silver currency for the payment of tolls for the use of the Panama Canal.

I may say that the above understandings and agreements are acceptable to my Government, and that upon receipt of a note confirming them on behalf of the Government of the Republic of Panama, the Government of the United States of America will consider as further modified in accordance therewith the Monetary Agreement of June 20, 1904, as modified.

Accept, Sirs, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable Doctor RICARDO J. ALFARO

The Honorable Doctor NARCISO GARAY

*Members of the Panamanian Treaty Commission,  
Washington, D. C.*

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*Members of the Panamanian Treaty Commission to the Secretary of  
State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

Marzo 2 de 1936

SEÑOR:

Tenemos el honor de acusar recibo de la comunicación de Vuestra Excelencia que dice lo siguiente:

“Tengo el honor de referirme a nuestras conversaciones acerca del efecto que tuvo sobre el Convenio Monetario de 20 de Junio de 1904 entre la República de Panamá y los Estados Unidos de América, modificado por los canjes de notas de Marzo 26 y Abril 2 de 1930, y de Mayo 28 y Junio 6 de 1931, lo dispuesto por el Presidente de los Estados Unidos de América en su Proclama de 31 de Enero de 1934, por la cual se redujo el peso del dólar de oro de los Estados Unidos de América.

“Se ha reconocido que, como resultado de esta medida, la estipulación del Convenio Monetario de que la unidad monetaria de la República de Panamá debe ser un Balboa de oro con peso de 1 gramo, 672 miligramos, de 0.900 de fino, no es ya compatible con la condición necesaria del Convenio de que la unidad monetaria de los Estados Unidos de América, el dólar, y la unidad monetaria de la República de Panamá, el Balboa, deben mantenerse a la par, a razón de un dólar por un Balboa. Se ha reconocido también que en la República de Panamá y en la Zona del Canal los Balboas de plata y la moneda fraccionaria de la República están circulando junto con la moneda de los Estados Unidos a razón de un Balboa por un dólar.

“Por estas razones es conveniente que el actual Convenio Monetario con sus modificaciones, sea modificado de nuevo, a fin de proveer a la reducción del peso del Balboa de oro, de manera que el patrón legal de valor de la República de Panamá y el de los Estados Unidos de América sean iguales. En concordancia con lo anterior, para los efectos del Artículo VII del Tratado General firmado hoy, se considerará el Balboa definido como una unidad monetaria de novecientos ochenta y siete y medio miligramos (Gr. 0.9875) de oro de novecientos milésimos (0.900) de fino.

“Es entendido que la reducción del peso del Balboa de oro no implica alteración en el peso de las monedas de plata de la Repú-

blica de Panamá, sino que ellas continuarán teniendo el mismo tamaño, peso y ley que tienen ahora.

"No obstante cualesquiera términos contenidos en el Convenio Monetario existente, con sus modificaciones, que hayan sido o puedan ser interpretados en el sentido de que limitan la cantidad de monedas de cualquiera denominación que Panamá acuñe dentro de la suma total de monedas de todas las denominaciones, queda ahora entendido y convenido que el Convenio Monetario, con sus modificaciones, no tiene en mira tal limitación, de manera que si la cantidad total no es excedida, esa cantidad total puede repartirse como lo tenga a bien el Gobierno de la República de Panamá entre las monedas de las diferentes denominaciones a que el Convenio se refiere.

"Como modificación adicional del Convenio Monetario existente, se conviene que el Gobierno de los Estados Unidos de América no estará obligado a aceptar la moneda de plata panameña para el pago de peajes por el uso del Canal de Panamá.

"Puedo decir que las anteriores inteligencias y acuerdos son aceptables a mi Gobierno, y que al recibir una comunicación por medio de la cual sean confirmados a nombre del Gobierno de la República de Panamá, el Gobierno de los Estados Unidos de América considerará modificado nuevamente, en los términos que quedan expresados, el Convenio Monetario del 20 de Junio de 1904, con sus modificaciones".

Nuestro Gobierno confirma las inteligencias y acuerdos expresados en la nota que contestamos, y por tanto, el Gobierno de la República de Panamá considerará nuevamente modificado en los términos allí expuestos, el Convenio Monetario del 20 de Junio de 1904, con sus modificaciones.

Acepte, Vuestra Excelencia, las reiteradas seguridades de nuestra más alta consideración.

R. J. ALFARO  
NARCISO GARAY

Honorable CORDELL HULL,  
*Secretario de Estado,*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA,  
*Washington, March 2, 1936.*

SIR:

We have the honor to acknowledge the receipt of Your Excellency's communication reading as follows:

"I have the honor to refer to our conversations with respect to the effect upon the Monetary Agreement of June 20, 1904, between the United States of America and the Republic of Panama as modified by the exchanges of notes of March 26–April 2, 1930, and of May 28–June 6, 1931, of the action taken by the President of the United States of America in his Proclamation of January 31, 1934, reducing the weight of the gold dollar of the United States of America.

"It has been recognized that, as a result of this action, the provision of the Monetary Agreement that the monetary unit of the Republic of Panama should be a gold Balboa of the weight of one gram, 672 milligrams, nine-tenths fine, is no longer consistent with the necessary condition of the Agreement that the standard unit of value of the United States of America, the dollar, and the standard unit of value of the Republic of Panama, the Balboa, should continue at a parity at the rate of one dollar for one Balboa. It has also been recognized that in the Republic of Panama and in the Canal Zone silver Balboas and fractional currency of the Republic are circulating together with United States currency at the rate of one Balboa for one dollar.

"For these reasons, it is desirable that the existing Monetary Agreement, as modified, be further modified to make provision for the reduction of the weight of the gold Balboa so that the legal standard units of value of the Republic of Panama and of the United States of America shall be equal. Accordingly, for the purpose of Article VII of the General Treaty signed today, the Balboa shall be regarded as defined to consist of 987½ milligrams of gold of 0.900 fineness.

"It is understood that the reduction in the weight of the gold Balboa shall not necessitate an alteration of the weight of the silver coins of the Republic of Panama, but that these shall continue to be of the same size, weight and fineness as at present.

"Notwithstanding any language contained in the existing Monetary Agreement, as modified, which has been interpreted or might be interpreted as limiting the number of coins of any denomination to be issued by the Republic of Panama within the total amount of coins of all denominations, it is now understood and agreed that the Monetary Agreement, as modified, shall not be considered as contemplating any such limitation, so that, as long as such total amount is not exceeded, that total amount may be apportioned among the coins of the various denominations referred to in the Agreement as may seem fitting to the Government of the Republic of Panama.

"As a further modification of the existing Monetary Agreement, it is agreed that the Government of the United States of America shall not be required to accept Panamanian silver currency for the payment of tolls for the use of the Panama Canal.

"I may say that the above understandings and agreements are acceptable to my Government, and that upon receipt of a note confirming them on behalf of the Government of the Republic of Panama, the Government of the United States of America will consider as further modified in accordance therewith the Monetary Agreement of June 20, 1904, as modified."

The understandings and agreements stated in your note under acknowledgment are hereby confirmed by our Government and, accordingly, the Government of the Republic of Panama will consider as further modified in accordance therewith the Monetary Agreement of June 20, 1904, as modified.

Accept, Sir, the renewed assurances of our highest consideration.

R. J. ALFARO  
NARCISO GARAY

The Honorable CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

*Ante*, p. 1818.



*The Secretary of State (Hull) to the Panamanian Minister (Boyd)*

DEPARTMENT OF STATE

WASHINGTON

February 1, 1939

SIR:

I have the honor to refer to the General Treaty signed between the United States of America and the Republic of Panama on March 2, 1936 and to the record of the proceedings of the negotiations leading to this accord. As you may recall, on several occasions during the course of the negotiations, it was found necessary to discuss and to reach a mutual understanding as to the interpretation to be placed upon certain draft provisions eventually incorporated in the signed treaty. These discussions and understandings were, after each meeting, embodied in the duly attested typewritten record of the proceedings of the treaty negotiations.

*And, p. 1807.*

It seems possible that, following the favorable report at the close of the last session of Congress by the Committee on Foreign Relations of the United States Senate on the General Treaty and accompanying Conventions, the individual members of the Senate in their consideration during the current session of Congress of the Treaty and Conventions, may ask for clarification as to the precise meaning of certain important provisions of the General Treaty which affect the security and neutrality of the Panama Canal. With a view to anticipating these inquiries, and in the hope of avoiding further delay on this account in the consideration of the General Treaty of March 2, 1936, it has seemed to my Government advisable to set forth in an exchange of notes between our two Governments the substance of some of these above-mentioned understandings as mutually reached. I should be grateful, accordingly, if you would inform me whether your Government shares the understanding of my Government upon the points which follow in subsequent paragraphs.

1. In connection with the declared willingness of both the Government of the United States of America and the Government of the Republic of Panama to cooperate for the purpose of insuring the full and perpetual enjoyment of the benefits of all kinds which the Canal should afford them (Article I of the General Treaty of March 2, 1936) the word "maintenance" as applied to the Canal shall be construed as permitting expansion and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty.

2. The holding of maneuvers or exercises by the armed forces of the United States of America in territory adjacent to the Canal Zone is an essential measure of preparedness for the protection of the neutrality of the Panama Canal, and when said maneuvers or exercises should take place, the parties shall follow the procedure set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held on March 2, 1936.

3. As set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held

on March 16, 1935, in the event of an emergency so sudden as to make action of a preventive character imperative to safeguard the neutrality or security of the Panama Canal, and if by reason of such emergency it would be impossible to consult with the Government of Panama as provided in Article X of said Treaty, the Government of the United States of America need not delay action to meet this emergency pending consultation, although it will make every effort in the event that such consultation has not been effected prior to taking action to consult as soon as it may be possible with the Panamanian Government.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

Señor Dr. Don AUGUSTO S. BOYD,

*Minister of Panama.*

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*The Panamanian Minister (Boyd) to the Secretary of State (Hull)*

LEGACIÓN DE PANAMÁ

WASHINGTON

SEÑOR SECRETARIO:

Tengo el honor de referirme a la atenta comunicación de Vuestra Excelencia de fecha de hoy en la cual se refiere al Tratado General firmado por los Gobiernos de la República de Panamá y de los Estados Unidos de América el día 2 de Marzo de 1936 y a las actas de las sesiones celebradas por los Comisionados Panameños y los de Estados Unidos de América durante las negociaciones que precedieron a la firma de dicho tratado. Llama Vuestra Excelencia mi atención al hecho de que durante el curso de las negociaciones se discutió y se llegó a un entendimiento mútuo en lo que respecta a la interpretación que se daría a ciertas provisiones que eventualmente fueron incorporadas al tratado. Manifiesta Vuestra Excelencia que esas discusiones y entendimientos se hicieron constar, después de cada sesión, en las actas respectivas, escritas a máquina.

Opina luego que en vista del informe favorable presentado al finalizarse las sesiones pasadas del Congreso por la Comisión de Relaciones Exteriores del Senado de los Estados Unidos de América, sobre el Tratado General y las varias Convenciones adicionales, algunos miembros del Senado durante los debates a que se someterá el Tratado General y las Convenciones en las sesiones actuales del Congreso, podrían solicitar que se clarificase el significado de algunas provisiones del Tratado General que afectan la seguridad y neutralidad del Canal de Panamá. Con el objeto de anticiparse a esa eventualidad y evitar nuevas demoras a la consideración del Tratado General de Marzo 2 de 1936, manifiesta Vuestra Excelencia que le parece conveniente a su Gobierno el efectuar un canje de notas con mi Gobierno a fin de reiterar las interpretaciones que en las actas se dan a algunos puntos.

Pláceme manifestarle a Vuestra Excelencia que he sido autorizado por mi Gobierno para efectuar este canje de notas y aclarar los puntos

que Vuestra Excelencia propone, y los cuales, para mayor claridad, se enumeran seguidamente en idioma inglés:

1. In connection with the declared willingness of both the Government of the United States of America and the Government of the Republic of Panama to cooperate for the purpose of insuring the full and perpetual enjoyment of the benefits of all kinds which the Canal should afford them (Article I of the General Treaty of March 2 1936) the word "maintenance" as applied to the Canal shall be construed as permitting expansion and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty.

2. The holding of maneuvers or exercises by the armed forces of the United States of America in territory adjacent to the Canal Zone is an essential measure of preparedness for the protection of the neutrality of the Panama Canal, and when said maneuvers or exercises should take place, the parties shall follow the procedure set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held on March 2, 1936.

3. As set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held on March 16, 1935, in the event of an emergency so sudden as to make action of a preventive character imperative to safeguard the neutrality or security of the Panama Canal, and if by reason of such emergency it would be impossible to consult with the Government of Panama as provided in Article X of said Treaty, the Government of the United States of America need not delay action to meet this emergency pending consultation, although it will make every effort in the event that such consultation has not been effected prior to taking action to consult as soon as it may be possible with the Panamanian Government.

Aprovecho la ocasión para renovar a Vuestra Excelencia las expresiones de mi consideración más distinguida,

AUGUSTO S. BOYD  
*Ministro.*

WASHINGTON, D. C.  
*Febrero 1 de 1939.*

SU EXCELENCIA CORDELL HULL  
*Secretario de Estado de los Estados Unidos*  
*Washington, D. C.*

[Translation]

LEGATION OF PANAMA  
WASHINGTON

MR. SECRETARY:

I have the honor to refer to Your Excellency's valued communication of today's date with respect to the General Treaty signed between the Governments of the Republic of Panama and of the United States of America March 2, 1936 and to the proceedings of the meetings held by the Commissioners of Panama and of the United States of America during the negotiations which preceded the signature of the said

Treaty. Your Excellency invites my attention to the fact that during the course of the negotiations and after discussion a mutual agreement was reached with regard to the interpretation to be given to certain provisions which eventually were incorporated in the Treaty. Your Excellency states that these discussions and understandings were, after each meeting, embodied in the typewritten records of the proceedings.

You then give as your opinion that in view of the favorable report presented at the close of the last session of Congress by the Committee on Foreign Relations of the Senate of the United States of America on the General Treaty and the various accompanying Conventions, some members of the Senate, during the debates with respect to the General Treaty and the Conventions in the present session of Congress, may ask for clarification as to the meaning of certain provisions of the General Treaty affecting the security and neutrality of the Panama Canal. With a view to anticipating such an eventuality, and of avoiding new delays in the consideration of the General Treaty of March 2, 1936, Your Excellency states that it seems advisable to your Government to effect an exchange of notes with my Government for the purpose of reiterating the interpretation given to certain points in the proceedings.

I take pleasure in informing Your Excellency that I have been authorized by my Government to effect this exchange of notes and to clarify the points propounded by Your Excellency, and which, for greater clarity, are set forth in the English language as follows:

1. In connection with the declared willingness of both the Government of the United States of America and the Government of the Republic of Panama to cooperate for the purpose of insuring the full and perpetual enjoyment of the benefits of all kinds which the Canal should afford them (Article I of the General Treaty of March 2, 1936) the word "maintenance" as applied to the Canal shall be construed as permitting expansion and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty.

2. The holding of maneuvers or exercises by the armed forces of the United States of America in territory adjacent to the Canal Zone is an essential measure of preparedness for the protection of the neutrality of the Panama Canal, and when said maneuvers or exercises should take place, the parties shall follow the procedure set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held on March 2, 1936.

3. As set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held on March 16, 1935, in the event of an emergency so sudden as to make action of a preventive character imperative to safeguard the neutrality or security of the Panama Canal, and if by reason of such emergency it would be impossible to consult with the Government of Panama as provided in Article X of said Treaty, the Government of the United States of America need not delay action to meet this emergency pending consultation, although it will make every effort in the event that such

consultation has not been effected prior to taking action to consult as soon as it may be possible with the Panamanian Government.

I avail myself of this occasion to renew to Your Excellency the assurances of my most distinguished consideration.

AUGUSTO S. BOYD  
*Minister*

WASHINGTON, D. C.,  
*February 1, 1939.*

HIS EXCELLENCY CORDELL HULL  
*Secretary of State of the United States*  
*Washington, D. C.*

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*The Secretary of State (Hull) to the Panamanian Ambassador (Boyd)*

DEPARTMENT OF STATE  
WASHINGTON  
*July 25, 1939*

EXCELLENCY:

I understand from the debate in the Senate of the United States yesterday on the treaties signed with Panama, March 2, 1936, that the question was raised as to whether the Assembly of Panama had the notes and minutes of the treaty negotiations before it at the time the treaties were considered and ratified by that body.

*Ante, p. 1807.*

I shall thank you to advise me definitely as to whether the notes and minutes of the negotiations were before the Assembly of Panama and were thoroughly understood and considered by the Assembly in connection with its ratification of the aforesaid treaties.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency  
Señor Dr. Don AUGUSTO S. BOYD,  
*Ambassador of Panama*

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*The Panamanian Ambassador (Boyd) to the Secretary of State (Hull)*

EMBAJADA DE PANAMA  
WASHINGTON  
*July 25, 1939*

EXCELLENCY:

I am in receipt of Your Excellency's note of this date in which you state that you understand from the debate in the Senate of the United States yesterday on the Treaties with Panama signed March 2, 1936,

*Ante, p. 1807.*

that the question was raised whether the Assembly of Panama had the notes and minutes of the treaty negotiations before it at the time the treaties were considered and ratified by that body.

I think that the best answer I may give to Your Excellency is to transcribe textually, in translation, law No. 37 of 1936 which was passed by our Assembly on the twenty-fourth of December, 1936, and which reads as follows:

The National Assembly of Panama  
Decrees

Only article: there are hereby approved and ratified in all their parts the General Treaty, the Radio Communications Convention, the Convention on the Transfer of the stations of La Palma and Puerto Obaldía and the Convention on the Trans-Isthmian Highway, signed in the city of Washington, March 2, 1936, by plenipotentiaries of the Governments of the Republic of Panama and of the United States of America, which is done taking into account the Minutes and the Exchanges of Notes signed on the same date and which contain interpretations and explanations of certain important aspects of the General Treaty and of the Conventions aforementioned.

From the law quoted above Your Excellency will observe that the minutes and the notes were before the Assembly and were considered and understood by it at the same time that the Assembly ratified the Treaty and Conventions above mentioned.

Accept, Excellency, the sentiments of my highest consideration.

AUGUSTO S. BOYD

His Excellency  
CORDELL HULL,  
*Secretary of State.*

*Convention between the United States of America and Panama for the completion of the Trans-Isthmian Highway. Signed at Washington March 2, 1936; ratification advised by the Senate July 25, 1939; ratified by the President of the United States July 26, 1939; ratified by Panama July 17, 1939; ratifications exchanged at Washington July 27, 1939; proclaimed July 27, 1939.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

March 2, 1936  
[T. S. No. 946]

### A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Panama to arrange for the completion of a highway between the cities of Panamá and Colón through territory under their respective jurisdictions was concluded and signed by their respective Plenipotentiaries at Washington on the second day of March, one thousand nine hundred and thirty-six, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

Convention with  
Panama for comple-  
tion of the Trans-isth-  
mian Highway.  
Preamble.

The United States of America and the Republic of Panama, in order to arrange for the completion of a highway between the cities of Panamá and Colón through territory under their respective jurisdictions, hereinafter referred to as the Trans-Isthmian Highway, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

Purposes declared.

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America, and Mr. Sumner Welles, Assistant Secretary of State of the United States of America; and

Los Estados Unidos de América y la República de Panamá, con el fin de concertar la terminación de una carretera entre las ciudades de Panamá y Colón a través de territorio bajo sus respectivas jurisdicciones, que en lo sucesivo se denominará la Carretera Trans-istmica, han resuelto celebrar una Convención con ese objeto y han designado como sus Plenipotenciarios:

Plenipotentiaries.

The President of the Republic of Panama:

The Honorable Doctor Ricardo J. Alfaro, Envoy Extraordinary and Minister Plenipotentiary of Panama to the United States of

El Presidente de la República de Panamá:

A los Excelentísimos Señores Doctor Ricardo J. Alfaro, Enviado Extraordinario y Ministro Plenipotenciario de Panamá en los

America, and The Honorable Doctor Narciso Garay, Envoy Extraordinary and Minister Plenipotentiary of Panama on special mission;

Who, having communicated to each other their respective full powers, which have been found to be in good and due form, have agreed upon the following:

Estados Unidos, y Doctor Narciso Garay, Enviado Extraordinario y Ministro Plenipotenciario de Panamá en mision especial;

Quienes, habiéndose comunicado sus respectivos Plenos Poderes, los que han sido hallados en buena y debida forma, han convenido en lo siguiente:

#### ARTICLE I

#### ARTICULO I

Waiver of right to establish roads.

In order to make possible the completion of the Trans-Isthmian Highway, the Government of the United States of America undertakes to obtain such waiver from the Panama Railroad Company of its exclusive right to establish roads across the Isthmus of Panama as is necessary to enable the Government of the Republic of Panama to construct a highway from a point on the boundary of the Madden Dam area at Alhajuela to a point on the boundary of the Canal Zone near Cativá.

Con el fin de hacer posible la terminación de la Carretera Transistmica, el Gobierno de los Estados Unidos de América se compromete a conseguir que la Compañía del Ferrocarril de Panamá renuncie su derecho exclusivo de construir caminos a través del Istmo de Panamá hasta donde sea necesario para que el Gobierno de la República de Panamá pueda construir una carretera desde un punto en el límite del área de la Represa Madden en Alhajuela hasta un punto en el límite de la Zona del Canal cerca de Cativá.

Highway construction by Panama, location.

#### ARTICLE II

#### ARTICULO II

U. S. contribution to completion of highway.

As a contribution to the completion of the Trans-Isthmian Highway, the United States of America will construct without delay and at its own expense that portion of the Highway between the Canal Zone boundary near Cativá and a junction with the Fort Randolph Road near France Field, which portion shall thereafter be maintained by the Republic of Panama at its own expense.

Como contribución a la terminación de la Carretera Transistmica, los Estados Unidos de América construirán sin demora y a sus expensas la parte de la Carretera comprendida entre el límite de la Zona del Canal cerca de Cativá y el empalme con el camino de Fort Randolph cerca de France Field, parte cuyo mantenimiento tendrá a su cargo en adelante la República de Panamá.

#### ARTICLE III

#### ARTICULO III

Joint board to adjust questions of detail, appointment.

Prior to the undertaking of further construction on the Trans-Isthmian Highway, each Government will appoint an equal number of representatives who will

Antes de emprender nuevos trabajos en la Carretera Transistmica, cada Gobierno nombrará igual número de representantes que constituirán una Junta Mixta



constitute a joint board with authority to adjust questions of detail regarding the location, design and construction of the portions of the Highway falling under the jurisdiction of each Government. Questions of detail on which the board may fail to reach an agreement will be referred to the two Governments for settlement.

con autoridad para ajustar cuestiones de detalle respecto de la ubicación, trazado y construcción de las partes de la Carretera que queden bajo la jurisdicción de cada Gobierno. Las cuestiones de detalle acerca de las cuales no haya acuerdo en la Junta, serán sometidas a los dos Gobiernos para su arreglo.

Reference of questions in disagreement.

#### ARTICLE IV

The sections of the Trans-Isthmian Highway which are to be constructed by each Government shall have the following minimum characteristics:

*a. Pavement:* concrete; normal width 18 feet, suitably widened on curves of 5 degrees or sharper; of the thickened edge type of 9'' - 7'' - 9'' section, with proper reinforcement with steel in accordance with good practice; provision for suitable longitudinal and transverse joints, sealed with an asphalt filler, and with adjacent slabs properly doweled.

*b. Gradients:* maximum 8 percent.

*c. Curves:* maximum 12 degrees, properly superelevated and suitably widened pavement when of 5 degrees or sharper.

*d. Bridges and Culverts:* to be two-way, of a width of 20 feet; of capacity to carry live loads equivalent to 20-ton truck with 14 tons on rear axle and 6 tons on front axle; and so located and of such span or size as to afford adequate drainage under maximum flow.

*e. Right of Way:* to be of ample width to accommodate the pave-

#### ARTICULO IV

Las secciones de la Carretera Transistmica que hayan de ser construídas por cada Gobierno tendrán las siguientes especificaciones mínimas:

*a. Pavimento:* hormigón; ancho normal, 18 piés, ensanchado convenientemente en las curvas de 5 grados o más pronunciadas; del tipo de borde grueso con sección de 9'' - 7'' - 9'', con el debido refuerzo de acero conforme a las buenas prácticas de vialidad proveyendo además juntas longitudinales y transversales, rellenas con asfalto y con los tramos adyacentes debidamente ensamblados.

*b. Declives:* máximo 8 por ciento.

*c. Curvas:* máximo 12 grados; pavimento debidamente elevado y convenientemente ensanchado cuando sean de 5 grados o más pronunciadas.

*d. Puentes y Alcantarillas:* deben ser de tráfico doble con un ancho de 20 piés; con capacidad para soportar un peso vivo equivalente a un camión de 20 toneladas, con un peso de 14 toneladas sobre el eje trasero y de 6 toneladas sobre el eje delantero y con localización, tamaño y luz tales que provean un desagüe adecuado en las corrientes máximas.

*e. Servidumbre de Tránsito:* debe ser suficientemente ancha para dar

Minimum construction characteristics.

Pavement.

Gradients.

Curves.

Bridges and culverts.

Right of Way.

ment plus 4-foot berms and drainage ditches and to provide for suitable slopes in cuts and fills; the right to be reserved to each of the two Governments to install and use telegraph and telephone lines of either pole line construction or underground cable construction in that part of the Trans-Isthmian Highway subject to the jurisdiction of the other Government.

cabida al pavimento, más hombreros de 4 pies y zanjas de desagüe y para proveer pendientes adecuadas en los cortes y rellenos; reservándose cada Gobierno el derecho de instalar y usar líneas telegráficas y telefónicas de postes o de cable subterráneo en la parte de la Carretera Transístmica sujeta a la jurisdicción del otro Gobierno.

## ARTICLE V

## ARTICULO V

Time limitations.

The portions of the Trans-Isthmian Highway which the two Governments undertake to construct according to the provisions of this Convention will be completed within a period of ten years after the entrance into force of the Convention. The two Governments will consult with each other with a view to coordinating the construction of the two portions of the highway so far as may be feasible in order that the usefulness of one portion may not be unduly impaired by a failure to complete the other portion.

Las partes de la Carretera Transístmica que los dos Gobiernos van a construir de acuerdo con las estipulaciones de esta Convención, quedarán terminadas en un período de diez años a contar de la fecha en que ella entre en vigor. Los dos Gobiernos se consultarán mutuamente con la mira de coordinar la construcción de las dos partes de la carretera hasta donde sea factible, a fin de que el servicio de una parte no se perjudique indebidamente por no terminarse la otra parte.

Coordination of construction.

## ARTICLE VI

## ARTICULO VI

Maintenance of state of repair.

The United States of America and the Republic of Panama shall maintain in a good state of repair at all times the portions of the Trans-Isthmian Highway within their respective jurisdictions.

Los Estados Unidos de América y la República de Panamá mantendrán en buen estado de conservación en todo tiempo las partes de la Carretera Transístmica que queden dentro de sus respectivas jurisdicciones.

## ARTICLE VII

## ARTICULO VII

Equal enjoyment of use of highway.

Subject to the laws and regulations relating to vehicular traffic in force in their respective jurisdictions the United States of America and the Republic of Panama shall enjoy equally the use of the Trans-Isthmian Highway.

Los Estados Unidos de América y la República de Panamá tendrán por igual el uso de la Carretera Transístmica, con sujeción a las leyes y reglamentos vigentes en las respectivas jurisdicciones sobre tráfico de vehículos.

## ARTICLE VIII

## ARTICULO VIII

The present Convention shall be ratified in accordance with the constitutional methods of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place at Washington.

La presente Convención será ratificada de acuerdo con las formas constitucionales de las Altas Partes Contratantes y entrará en vigor inmediatamente al canjearse las ratificaciones, lo cual tendrá lugar en Washington.

Ratification.

Effective date.

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Convention in duplicate in the English and Spanish languages, both texts being authentic, and have hereunto affixed their seals.

EN FE DE LO CUAL los Plenipotenciarios han firmado esta Convención en duplicado en inglés y en español, siendo ambos textos auténticos, y han estampado en ella sus sellos.

Signatures.

DONE at the city of Washington the second day of March, 1936.

HECHA en la ciudad de Washington, a los dos días del mes de Marzo de 1936.

[SEAL] CORDELL HULL  
 [SEAL] SUMNER WELLES  
 [SEAL] R. J. ALFARO  
 [SEAL] NARCISO GARAY

AND WHEREAS the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington, on the twenty-seventh day of July, one thousand nine hundred and thirty-nine;

Exchange of ratifications.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of July in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*



**INTERNATIONAL AGREEMENTS  
OTHER THAN TREATIES**



# INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

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*Parcel post agreement between the United States of America and Japan, with regulations for execution. Signed at Tokyo June 1, 1938 and at Washington June 20, 1938; approved by the President June 21, 1938.*

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June 1, 1938  
June 20, 1938

## PARCEL POST AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN.

The Post Office Department of the United States of America and the Department of Communications of Japan have agreed upon the following articles for the purpose of improving the relations of Parcel Post between the two countries:

Parcel post agree-  
ment with Japan.

### ARTICLE I.

#### *Exchange of parcels.*

Between the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) on one hand and Japan on the other hand, there may be exchanged parcels up to the limits of weight and dimensions stated in the Detailed Regulations for the execution of this Agreement.

Territory embraced.

Weight and dimen-  
sions.  
*Post*, p. 1884.

### ARTICLE II.

#### *Transit of parcels.*

1. Each Postal Administration guarantees the right of transit through its service, to or from any country with which it has parcel post communication, of parcels originating in or addressed for delivery in the service of the other Administration.

Rights guaranteed.

2. Parcels sent in open mail and in transit to or from one of the services of the two Postal Administrations through the other are subject to the conditions of exchange of parcels between them as well as those between the intermediate Administration and that of the third country concerned.

Parcels sent in open  
mail.

3. Parcels sent in closed mails and in transit to or from one of the services of the two Postal Administrations through the other are subject to the conditions specially agreed upon between the Chiefs of the two Postal Administrations.

Parcels sent in  
closed mails.

### ARTICLE III.

#### *Postage.*

1. Each Postal Administration is entitled to fix its postage rates for parcels to be collected from the sender.

Collection from  
sender.

2. The postage mentioned in the preceding section must be prepaid by the sender.

Prepayment.

## ARTICLE IV.

*Preparation of parcels.*

Packing.

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Detailed Regulations.

Post, p. 1884.

## ARTICLE V.

*Prohibitions.*

Articles specified.

1. The following articles are prohibited transmission by parcel post:

Letters, etc.

(a) A letter or a communication having the nature of a letter. Nevertheless it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice.

Enclosure with different address.

(b) An enclosure which bears an address different from that placed on the cover of the parcel.

Live animals.

(c) Any live animal.

Nonadmissible articles.

(d) Any article the admission of which is not authorized by the customs or other laws or regulations in force in either country.

Explosive, etc., articles.

(e) Any explosive or inflammable article, and in general, any article the conveyance of which is dangerous.

Articles injurious to public morals.

(f) Documents, pictures, and other articles injurious to public morals.

Action to be taken.

2. When a parcel contravening any of these prohibitions is handed over by one of the two Postal Administrations to the other, the latter shall proceed in accordance with its laws and inland regulations. However, explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals are not returned to origin; they are destroyed on the spot by the Administration which has found them in the mails.

List of prohibited articles to be furnished.

3. The two Postal Administrations shall furnish each other with a list of prohibited articles.

## ARTICLE VI.

*Insurance.*

Maximum amount.

1. Parcels may be insured up to the amount of 500 francs or its equivalent in currency of the country of origin. However, the Chiefs of the two Postal Administrations may, by mutual consent, fix the limit of insured value above 500 francs.

Limitation.

The insured value may not exceed the actual value of the contents, but it is permissible to insure only part of that value.

Fee.

2. For an insured parcel, an insurance fee fixed by the Postal Administration of the country of origin shall be collected at the time of mailing in addition to the postage.

Coin, jewelry, etc.

3. The insurance of all parcels containing coin, bullion, valuable jewelry, or any other precious article is obligatory.

If, in the country of destination, a parcel which has not been insured is found to contain coin, bullion, valuable jewelry, or any other precious article, it may be delivered to its addressee as an insured parcel. In this case, the Postal Administration of the country of destination may collect the insurance fee fixed by that Administration in accordance with the provisions of the preceding section.



## ARTICLE VII.

*Certificate of mailing.*

The sender of an ordinary parcel may request, at the time of mailing, a certificate of mailing upon payment of a fee which may be fixed by the Postal Administration of the country of origin. However, no certificate of mailing, other than the insurance receipt, will be furnished the sender of an insured parcel, and no charge other than the insurance fee will be made for the insurance receipt.

Ordinary parcels.

Insured parcels.

## ARTICLE VIII.

*Advice of delivery. Inquiry.*

1. The sender of an insured parcel may request, either at the time of mailing or after mailing, an advice of delivery upon payment of a fee which may be fixed by the Postal Administration of the country of origin.

Insured parcels.

2. The sender of an ordinary or insured parcel may request, after mailing, an inquiry for the parcel upon payment of a fee which may be fixed by the Postal Administration of the country of origin. As regards insured parcels, no fee is, however, charged if the sender has already paid the special fee to obtain an advice of delivery.

Inquiry.

3. The request for an advice of delivery or an inquiry made after the mailing of a parcel is admitted only within the period of one year, counting from the day following that of mailing.

Time limitation.

## ARTICLE IX.

*Customs duties.*

Parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel.

Customs duties;  
collections.

## ARTICLE X.

*Fee for customs formalities. Fee for delivery. Warehousing charges.*

1. The Postal Administration of the country of destination may collect from the addressee, for the fulfillment of customs formalities, a fee not exceeding 50 centimes per parcel.

Fees.  
Customs formalities.

2. The Postal Administration of the country of destination may collect from the addressee, for delivery of parcels at the addressee's residence, a fee not exceeding 50 centimes per parcel. The same fee may be charged for each presentation after the first at the addressee's residence.

Delivery at addressee's residence.

3. The Postal Administration of the country of destination may collect from the addressee a suitable warehousing charge for parcels which are not withdrawn within the period which it has fixed. This charge may not, however, exceed 5 francs per parcel.

Warehousing charge.

4. The fees and charges prescribed by the above three sections shall not be canceled even in case the parcel is redirected or returned out of the country.

No cancellation of charges.

## ARTICLE XI.

*Redirection.*

- In country of destination. 1. A parcel may be redirected, at the request of the addressee, in consequence of the addressee's change of address in the country of destination.
- Additional charges. 2. For parcels redirected in its territory, the Postal Administration of the country of destination may collect from the addressee additional charges fixed by its internal regulations. These charges shall not be canceled even in case the parcel is redirected or returned out of the country.
- To another country. 3. A parcel may be redirected out of the country only at the addressee's request, and provided that the parcel complies with the conditions required for its further conveyance. Insured parcels shall not be redirected to another country except as insured mail.
- Conveyance, etc., charges. 4. When a parcel is redirected out of the country, the charges for conveyance due to the Postal Administrations concerned and, if any, the insurance fees, as well as the various charges cancelation of which is not allowed by the retransmitting Administration, shall be collected additionally from the addressee.
- Right to forbid redirection. 5. The sender is entitled to forbid any redirection, by means of a suitable entry on the parcel and on the customs declaration.

## ARTICLE XII.

*Recall. Change of address.*

- Recall and change of address. 1. So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be altered.  
For this service, the Postal Administration of the country of origin may collect the charge fixed by its internal regulations.
- Provisions applicable. 2. The provisions of Sections 2 to 4 of the preceding article are applicable to the parcel returned or redirected in consequence of the recall or the change of address.

## ARTICLE XIII.

*Non-delivery.*

- Request by sender as to disposal. 1. The sender of a parcel may make a request at the time of mailing as to the disposal of the parcel in the event it is not deliverable as addressed, the particulars of which are set forth in the Detailed Regulations.
- Post, p. 1884.  
If no request by sender. 2. If the sender does not make any request in accordance with the preceding section or the sender's request has not resulted in delivery, undeliverable parcels will be returned to the sender without previous notification at the expiration of thirty days counting from the day following that of receipt at the office of destination, while parcels refused by the addressee will be returned at once.
- Charges for redirection or return. 3. The provisions of Article XI, Sections 2 and 4 are applicable to the parcel redirected in the country of destination or returned to origin in consequence of non-delivery.  
The same provisions are also applicable to the parcel returned to origin for the reason that it contains any prohibited articles.
- Parcels marked "Abandon". 4. Undeliverable parcels which the sender has marked "Abandon" are not returned but are disposed of in accordance with the legislation of the country of destination after the expiration of the period mentioned in Section 2 above.

## ARTICLE XIV.

*Sale. Destruction.*

1. Articles liable to deterioration or corruption, and these only, may be sold immediately, even on the outward or return journey, without previous notice or judicial formality, for the benefit of the right party.

Articles liable to deterioration.

2. If for any reason a sale is impossible, the spoilt or putrid articles are destroyed.

## ARTICLE XV.

*Parcels wrongly accepted. Missent parcels.*

1. If parcels of which the weight or dimensions exceed the limits allowed have been wrongly accepted and dispatched, they are returned to origin by the Postal Administration to which the parcels were sent.

Parcels wrongly accepted.

2. Parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the Postal Administration to which the parcels were missent; nevertheless, the parcels which cannot be reforwarded to their correct destination are returned to origin.

Missent parcels.

Insured parcels may not be reforwarded except as insured mail.

Insured parcels.

3. The parcels mentioned in the two sections above must not be charged by the retransmitting country with customs or other non-postal charges.

No customs, etc., charges

## ARTICLE XVI.

*Cancellation of customs charges.*

The two Postal Administrations agree to urge the services concerned in their countries to cancel customs and other non-postal charges on parcels which are returned to origin, abandoned by the sender, destroyed because the contents are completely damaged, or redirected to a third country.

Cancellation of customs, etc., charges.

## ARTICLE XVII.

*Indemnity.*

1. Except in the cases mentioned in the next section, the two Postal Administrations are responsible for the loss of insured parcels exchanged between the two countries and for the abstraction of or damage to their contents under the conditions prescribed by the Detailed Regulations.

Responsibility.

Post, p. 1884.

2. The Postal Administrations are relieved from all responsibility:

Exceptions.

(a) In case of parcels of which the addressee or the sender as regards returned parcels has accepted delivery without reservations.

(b) In case of loss or damage through force majeure, although either Postal Administration may, at its option and without recourse to the other Administration, pay indemnity for loss or damage due to force majeure even in cases where the Administration in the service of which the loss or damage occurred recognizes that the damage was due to force majeure.

(c) When they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

(d) When the damage has been caused by the fault or negligence of the sender or when it is due to the nature of the article.

(e) For parcels which contain prohibited articles.  
 (f) For parcels which have been fraudulently insured for a sum exceeding the actual value of the contents.

(g) For parcels seized by the customs because of false declaration of contents.

(h) When any request for inquiry or application for indemnity has not been made within the period of one year counting from the day following that of mailing the parcel.

Loss, etc., of ordinary parcels.

3. The two Postal Administrations will not be responsible for the loss of ordinary parcels exchanged between the two countries nor for the abstraction of or damage to their contents; but either Administration is at liberty to indemnify for the loss, abstraction, or damage which may occur in its service, without recourse to the other Administration.

Parcels in transit.

4. The two Postal Administrations are not responsible for the loss of the parcels mentioned in Article II, Sections 2 and 3, nor for the abstraction of or damage to their contents unless an arrangement to the contrary is made between the Chiefs of the two Postal Administrations.

### ARTICLE XVIII.

#### *Credits.*

Credits.

1. For each parcel exchanged between the two countries, the Postal Administration of the country of origin shall pay to that of the country of destination the sums indicated in the Detailed Regulations.

Post, p. 1884.

2. In case of redirection or of return of parcels from one of the two countries to the other, the retransmitting Administration shall claim from the other the sums equal to its credits mentioned in the preceding section and the following charges, as the case may be:

(a) Sea rates due to the retransmitting Administration.

(b) Charges which are not canceled by the retransmitting Administration.

(c) Charges due to a third country.

3. As regards parcels originating in one of the two countries and sent through the other to a third country, the Postal Administration of the country of origin shall pay to the intermediate Administration the sums required by the latter.

4. As regards parcels originating in a third country and sent to one of the two countries through the other in open mail, the intermediate Administration shall pay to the Administration of destination the sums indicated in the Detailed Regulations.

### ARTICLE XIX.

#### *Postal charges other than those prescribed not to be collected.*

Charges other than those prescribed not to be collected.

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

### ARTICLE XX.

#### *Air parcels. Parcels for delivery free of charge.*

Exchange arrangements.

The Chiefs of the two Postal Administrations may come to special arrangements for the exchange of air parcels and of parcels for delivery free of charge.

## ARTICLE XXI.

*Standard monetary unit.*

The franc regarded as the monetary unit in the provisions of this Agreement is the gold franc of 100 centimes of a weight of 10/31 of a gram and of a fineness of 0.900.

Standard monetary unit.

## ARTICLE XXII.

*Temporary suspension of service.*

In extraordinary circumstances such as will justify the measure, either Postal Administration may temporarily suspend the Parcel Post Service, either entirely or partially, on condition of giving immediate notice to the other Administration.

Temporary suspension of service.

## ARTICLE XXIII.

*Detailed Regulations. Application of internal legislation.*

1. The details necessary for the execution of this Agreement will be fixed in the form of Detailed Regulations between the two Postal Administrations.

Detailed Regulations  
Post, p. 1884.

2. As regards the items not provided for in this Agreement the internal legislation shall remain applicable in each country.

Application of internal legislation.

3. The two Postal Administrations notify each other of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as all modifications thereof which may be subsequently made.

Mutual notice of laws, etc.

## ARTICLE XXIV.

*Entry into force and duration of Agreement.*

1. This Agreement shall supersede the Convention signed at Washington on the 30th day of June 1904 corresponding to the 30th day of the 6th month of the 37th year of Meizi.

Former agreement superseded  
33 Stat 2276.

2. This Agreement shall come into force on the 1st day of July 1938 corresponding to the 1st day of the 7th month of the 13th year of Syōwa, and shall remain in force until the expiration of six months from the date on which one of the two Postal Administrations has given notice to the other of its intention to terminate the Agreement.

Date of entry into force.

Duration.

Done in duplicate and signed at Tōkyō on the 1st day of the 6th month of the 13th year of Syōwa, and at Washington on the 20th day of June 1938.

Signatures.

[SEAL]

JAMES A FARLEY

*Postmaster General of the United States of America.*

RYN'TARO NAGAI

*Minister of State for Communications of Japan.*

The foregoing Agreement between the United States of America and Japan for the exchange of parcels by parcel post has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

Approval by the President.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.

SUMNER WELLES

*Acting Secretary of State.*

WASHINGTON, June 21, 1938.

## DETAILED REGULATIONS FOR THE EXECUTION OF THE PARCEL POST AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND JAPAN.

Detailed regula-  
tions.

In accordance with the provisions of Article XXIII, Section 1, of the Parcel Post Agreement between the United States of America and Japan, the two Postal Administrations have agreed as follows:

### ARTICLE 1.

#### *Limits of weight and dimensions.*

Limits of weight  
and dimensions.

1. The limits of weight and dimensions of parcels exchanged between the United States of America and Japan are as follows:

(a) Parcels originating in the United States of America addressed to Japan:—

Weight.----22 pounds.

Dimensions.----greatest length 4 feet on condition that parcels over 42 inches but not over 44 inches long do not exceed 24 inches in girth; that parcels over 44 inches but not over 46 inches long do not exceed 20 inches in girth; that parcels over 46 inches but not over 4 feet long do not exceed 16 inches in girth; and that parcels up to 3½ feet in length do not exceed 6 feet in length and girth combined.

(b) Parcels originating in Japan addressed to the United States of America:

Weight.----10 kilograms.

Dimensions.----length on one side 1 meter 25 on condition that parcels not over 5 kilograms in weight do not exceed 60 cubic decimeters in volume and that parcels over 5 kilograms but not over 10 kilograms in weight do not exceed 80 cubic decimeters in volume.

2. The viewpoint of the dispatching office in regard to the exact calculation of the weight and the dimensions must be considered as prevailing, except in case of obvious error.

### ARTICLE 2.

#### *Preparation of parcels.*

Preparation of par-  
cels.

1. The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label or tag firmly attached thereto. It is not allowed to write with initials the name and address of the sender or addressee, unless the initials are the adopted trade name of the senders or addressees which is generally understood. Addresses in pencil are also not allowed, except those written with copying ink on a surface previously dampened.

A slip bearing the name and address of the sender and the addressee must be enclosed in the parcel when the address is written on a label which is not gummed to the parcel. It is advisable that such slips be enclosed in all parcels.

2. Parcels must be packed in a manner adequate for the length of the journey and for the protection of the contents and so effectually that it is impossible to tamper with the contents without leaving an obvious trace of violation; in particular when the contents con-

sist of precious metal, articles of metal or heavy goods, it is essential that stout metal boxes or wooden cases at least one centimeter ( $\frac{1}{2}$  inch) thick should be used for packing.

Any liquid or any substance which easily liquefies must be packed in a double receptacle. Between the first receptacle (bottle, flask, pot, box, etc.) and the second (box of metal, of strong wood, or strong corrugated cardboard, or of strong fibreboard, or receptacle of equal strength) shall be left a space which shall be filled with sawdust, bran, or some other absorbent material, in sufficient quantity to absorb all the liquid contents in case of breakage.

Powders and dyes in powder form must be packed in lead-sealed metal containers which containers must be enclosed in substantial outer covers so as to obviate all damage to the accompanying mail matter.

3. Insured parcels must be sealed by means of wax, by lead, or other seals. Either Administration may require a special design or mark of the sender in the sealing of insured parcels mailed in its service.

### ARTICLE 3.

#### *Customs declarations.*

1. The sender shall prepare one customs declaration for each parcel, on a special form provided for the purpose by the Administration of origin.

Customs declarations.

The customs declaration shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, the actual weight, the sender's name and address, and the name and address of the addressee, and shall be securely attached to the parcel.

2. When more than one ordinary parcel is mailed simultaneously by the same sender to the same addressee at the same address, the sender may prepare only one customs declaration for the parcels, which customs declaration shall show, in addition to the particulars set forth in the preceding section, the total number of the relative parcels and shall be securely attached to one of the parcels. The parcels shall be clearly marked in such case with a fractional number, the denominator of which will indicate, in arabic figures, the total number of the relative parcels, and the numerator the serial number of the parcel.

3. The Administrations accept no responsibility for the correctness of the customs declarations.

### ARTICLE 4.

#### *Indication of insured parcels.*

1. On the address side, each insured parcel must bear a label with the words "Insured" or "Valeur déclarée", or be stamped or marked with the same words in close proximity to the number given the parcel.

Indication of insured parcels.

2. The insured parcels must bear an indication of the amount of the insured value, mentioned fully and legibly in the currency of the country of origin and in roman letters. This amount must be converted into gold francs by the sender or by the office of origin and the result of conversion is added below the original description. The amount of the insured value must also be indicated on the customs declaration.

3. The exact weight of each insured parcel must be entered by the office of origin on the address side of the parcel.

## ARTICLE 5.

*Advice of delivery. Inquiry.*

Advice of delivery.

1. As to a parcel for which an advice of delivery is asked, the office of origin impresses on the address side of the parcel and on the customs declaration with a stamp, the letters or words "A. R." or "Avis de réception". The office of origin or any other office appointed by the dispatching Administration shall fill up an advice of delivery form and attach it to the parcel. If the form does not reach the office of destination, that office makes out a duplicate.

2. The office of destination, after having duly filled up the advice of delivery form returns it free of postage to the address of the sender of the parcel.

Inquiry.

3. When the sender applies for an advice of delivery after a parcel has been posted, the office of origin or any other office appointed by the dispatching Administration duly fills up an advice of delivery form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel. This inquiry form is treated according to the provisions of Section 5 below, except that, in case of the due delivery of the parcel, the office of destination withdraws the inquiry form and returns the advice of delivery form to origin in the manner prescribed by the preceding section.

4. When the sender makes inquiry concerning an advice of delivery which has not been returned to him after a reasonable interval, action is taken in accordance with the rules laid down in the preceding section. In that case, a second fee is not charged, and the office of origin or any other office appointed by the dispatching Administration enters at the top of the advice of delivery form the words "Duplicate of the advice of delivery".

5. When the sender requests an inquiry for the parcel, the office of origin or any other office appointed by the dispatching Administration fills up an inquiry form and sends it to the office of destination or to any other office appointed by the Administration of destination accompanied, whenever possible, by a facsimile of the address of the parcel. If the service of the country of destination is in a position to furnish information as to the ultimate disposal of the parcel, it completes the form and returns it to the office of the country of origin from which the form has been forwarded. When the disposal of the parcel cannot be established by the service of the country of destination, the fact is recorded on the form and the form is returned accompanied, whenever possible, by a declaration from the addressee certifying that he has not received the parcel.

## ARTICLE 6.

*Transit parcels.*

Transit parcels.

Each Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor, as well as other conditions.

## ARTICLE 7.

*Method of exchange of parcels.*

Method of exchange of parcels.

1. Parcels shall be exchanged, in bags duly fastened and sealed, by the offices appointed by agreement between the two Administrations, and shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.



2. Insured parcels exchanged direct between the two countries shall be enclosed in separate bags from those in which ordinary parcels are contained, and the labels of bags containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

#### ARTICLE 8.

##### *Receptacles.*

1. The two Administrations shall provide their respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or the country to which it belongs.

Receptacles.

2. Bags must be returned empty and without charge to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. The returning Administration shall repay to the Administration of origin, the value of any bags which it fails to return.

#### ARTICLE 9.

##### *Billing of parcels.*

1. Ordinary parcels and insured parcels exchanged direct between the two countries are entered on separate parcel bills.

Billing of parcels.

The ordinary parcels are entered on the parcel bills to show the total number of the parcels and the total net weight thereof, while redirected or returned parcels are entered individually.

The insured parcels are entered individually on the parcel bills to show their numbers, the name of the office of origin, and their total net weight.

The entry on the parcel bills of any redirected or returned parcel must be followed by the word "Redirected" or "Returned" together with the detailed statement of charges which may be additionally collected, in the "Observations" column.

2. Transit parcels sent à découvert are entered individually on the parcel bills separate from those mentioned in the preceding section.

3. The amount to be credited must be totaled and shown on each parcel bill.

The total number of bags comprising each dispatch must also be shown on the parcel bills.

4. Each dispatching office of exchange shall number the parcel bills in the upper left-hand corner, commencing each year a fresh series for each office of exchange of destination. The last number of the year shall be shown on the parcel bill of the first dispatch of the following year.

5. The parcel bills are prepared in duplicate. The original is sent in the regular mails, while the duplicate is inserted in one of the bags. The bag containing the parcel bill is designated by the letter "F" traced in a conspicuous manner on the label.

#### ARTICLE 10.

##### *Checking of parcels.*

1. The office of exchange which has received a parcel mail shall check the parcels and the accompanying bills. If a parcel is missing or any other irregularity is noted, it shall be immediately reported to the dispatching office of exchange by means of a bulletin of veri-

Checking of parcels.

fication. The report of such a serious irregularity as to involve the responsibility of the respective Administration shall be accompanied by such vouchers as the strings, wax, or lead seals used for closing the bag which contained the parcels, if they are available.

If no report is made by the next mail, it will be assumed that the mail has been received in proper order until the contrary is proved.

2. If a parcel bill is missing a duplicate shall be made out and a copy sent to the dispatching office of exchange from which the dispatch was received.

3. If any parcel which is in the course of transmission is observed to bear evidence of violation or damage, it must have the facts noted on it and be marked with the stamp of the office making the note, or a document drawing attention to the violation or damage must be annexed to the parcel.

#### ARTICLE 11.

##### *Recall. Change of address.*

Recall; change of  
address.

1. For requests for recall or change of address of parcels, the sender, in handing the application to the post office of origin, must prove his identity and produce the certificate of mailing or the receipt of the parcel, if any. After proof of identity, for which the Administration of origin assumes responsibility, the procedure is as follows:

(a) If the request is meant to be sent by post, the application, together with an exact facsimile of the address of the parcel, is dispatched in a registered cover directly to the office of destination or to any other office appointed by the Administration of destination.

(b) If the request is to be made by telegraph, the terms of the request are transmitted by telegraph to the office of destination or to any other office appointed by the Administration of destination. In case of the request for change of address of an insured parcel, the request must be confirmed by the first mail in the manner prescribed by the preceding paragraph. In this case, the words "Confirmation of the telegraphic request for the change of address" must be shown on the upper part of the application.

2. The office which has received the request mentioned in the preceding section searches for the parcel in question and takes the necessary action.

3. If the search is fruitless, or if the parcel has already been delivered to the addressee, or if the request by telegraph is not explicit enough to permit the parcel to be surely recognized, the fact is reported at once to the office from which the request was forwarded and which informs the applicant accordingly.

#### ARTICLE 12.

##### *Non-delivery.*

Non-delivery.

1. The sender of a parcel may request at the time of mailing that, if the parcel cannot be delivered as addressed it shall be either (a) treated as abandoned, or (b) tendered for delivery at a second address in the country of destination, or (c) returned immediately.

If the sender avails himself of this facility, his request must appear on the address side of the parcel and on the relative customs declaration and must be in conformity with or analogous to one of the following forms:

"If not deliverable as addressed..... 'Abandon'".  
 "If not deliverable as addressed..... 'Deliver to.....'".  
 "If not deliverable as addressed..... 'Return immediately'".

2. The parcels to be returned as undeliverable to the country of origin shall be marked to show the reason for non-delivery.

3. If a parcel, for any reason, is neither delivered as addressed nor returned to origin, the Administration of origin shall be informed in a precise manner of the treatment accorded to the parcel.

#### ARTICLE 13.

##### *Sale. Destruction.*

When a parcel has been sold or destroyed in accordance with the provisions of Article XIV of the Agreement, a report of the sale or destruction is prepared. A copy of the report, together with the customs declaration, is forwarded to the office of origin.

Sale; destruction.

#### ARTICLE 14.

##### *Parcels wrongly accepted. Missent parcels.*

1. When parcels exceeding the limits of weight and dimensions allowed or missent parcels are returned to origin, the returning Administration refunds to the dispatching Administration the amount credited for the parcel and reports the irregularity by means of a bulletin of verification.

Parcels wrongly accepted; missent parcels.

2. When missent parcels are reforwarded to their proper destination, and if the amount credited to the reforwarding Administration is insufficient to cover the expenses of the onward transmission, the reforwarding Administration claims from the dispatching Administration the amount of the deficiency, and reports the reason for the claim by means of a bulletin of verification.

#### ARTICLE 15.

##### *Indemnity.*

1. On the basis of the provisions of Article XVII of the Agreement, the sender is entitled to an indemnity corresponding to the actual amount of the loss of an insured parcel and of the abstraction of or damage to its contents.

Indemnity.

Indemnity is paid to the addressee when he claims it, either after making reservations when accepting delivery of a pilfered or damaged parcel, or if he proves that the sender has waived his rights in his favour.

When an insured parcel is redirected or returned to a third country from one of the two countries, the sender, in case of loss, rifling, or damage occurring subsequent to the redirection or return of the parcel, can lay claim only to the indemnity which the Administration of the country where the loss, rifling, or damage occurred consents to pay, or which that Administration is obligated to pay in accordance with the agreement made between the Administrations of the countries directly interested in the redirection or return.

2. The amount of indemnity is calculated on the basis of the actual value (current price or, in the absence of current price, the ordinary estimated value) at the time and place of mailing of the parcel, provided in any case that the indemnity shall not exceed the amount for which the parcel was insured.

Indirect loss or loss of profits is not taken into consideration.

In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the sender is entitled to return of the postal charges which have been paid. However, the insurance fees are not returned in any case.

3. The obligation of paying the indemnity shall rest with the Administration to which the office of origin is subordinate, provided that, in the case where the indemnity is paid to the addressee in accordance with the second paragraph of the first section, it shall rest with the Administration of destination.

The paying Administration retains the right to make a claim against the Administration responsible.

4. The payment of indemnity shall be made as soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

However, the paying Administration may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the parcel in question or the responsibility incurred.

5. The Administration which undertakes the payment of indemnity is authorized to pay indemnity on behalf of the Administration which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

6. Responsibility for loss, abstraction, or damage of a parcel discovered by the receiving office of exchange at the time of opening the receptacles and duly notified to the dispatching office of exchange by bulletin of verification, shall fall upon the Administration to which the dispatching office of exchange is subordinate unless it be proved that the damage occurred in the service of the receiving Administration.

7. Until the contrary is proved, responsibility for a parcel rests with the Administration which, having received the parcel without making any observation and being furnished with all necessary particulars for inquiry, is unable to show its proper disposition.

8. If the loss, abstraction, or damage has occurred in course of conveyance without its being possible to ascertain in which service the irregularity took place, the Administrations concerned bear the loss in equal shares.

9. The Administration responsible or on whose account payment is made in accordance with Section 5 is bound to repay to the Administration making payment on its behalf, without delay and within not more than nine months after receiving notice of payment, the amount of indemnity paid.

10. Repayments are to be made free of cost to the creditor Administration by means of either a money order or a draft, in money valid in the creditor country, or by such other means as may be mutually agreed upon by correspondence.

#### ARTICLE 16.

##### *Payment.*

##### *Payment.*

1. The amounts to be paid by the Administration of origin to that of destination, in accordance with the provisions of Article XVIII, Section 1, of the Agreement are as follows:

A. In the case of parcels originating in the United States of America:

(a) Parcels for Japan proper and for any of its dependencies (Tyosen, Taiwan, Karahuto, the Leased Territory of Kwantung, the South Manchuria Railway Zone, and the South Sea Islands under Japanese Mandate), which are dispatched directly thereto, 20 centimes per pound or fraction thereof.

(b) Parcels for one of the Japanese dependencies sent through Japan proper, 40 centimes per pound or fraction thereof.

For an insured parcel, 10 centimes shall be paid in addition for each parcel mentioned under (a) and 40 centimes for each parcel mentioned under (b).

B. In the case of parcels originating in Japan:

(a) Parcels for the United States proper and for Alaska, which are dispatched directly thereto, 32 centimes per 455 grams or fraction thereof.

(b) Parcels for Guam, Samoa, Hawaii, Puerto Rico, United States Virgin Islands, which are dispatched directly thereto, 16 centimes per 455 grams or fraction thereof.

(c) Parcels for Alaska sent to Seattle, 64 centimes per 455 grams or fraction thereof.

(d) Parcels for Alaska sent to any United States port except Seattle, 100 centimes per 455 grams or fraction thereof.

(e) Parcels for Puerto Rico or the United States Virgin Islands sent through the United States, 84 centimes per 455 grams or fraction thereof.

(f) Parcels for Guam sent to San Francisco and parcels for Samoa and Hawaii sent to San Francisco or to San Pedro, 48 centimes per 455 grams or fraction thereof.

(g) Parcels for Guam sent to any United States port except San Francisco and parcels for Samoa and Hawaii sent to any United States port except San Francisco or San Pedro, 84 centimes per 455 grams or fraction thereof.

For an insured parcel, 10 centimes shall be paid in addition for each parcel mentioned under (a) and (b) and 30 centimes for each parcel mentioned under (c), (d), (e), (f), and (g).

2. For parcels originating in a third country and sent à découvert to one of the two countries through the other, the intermediary Administration shall pay to the Administration of destination the amounts equal to those fixed by the preceding section.

3. The allocation or claim of the amounts mentioned in the preceding two sections and in Article XVIII, Sections 2 and 3, of the Agreement shall be made by means of parcel bills.

#### ARTICLE 17.

##### *Accounting.*

1. Each Administration shall prepare quarterly an account showing the sums due for parcels sent by the other Administration.

*Accounting.*

2. These accounts accompanied by the parcel bills and, if any, copies of bulletins of verification relating thereto shall be submitted to the examination of the corresponding Administration in the course of the quarter following the quarter to which they relate.

3. The compilation, transmission, and acceptance of the accounts must be effected as early as possible and the payment resulting from the balance must be made at the latest before the end of the following quarter.

4. Payment of the balances due on these accounts between the two Administrations shall be effected by means of drafts drawn on the capital or one of the commercial towns of the creditor country, or in any other manner which may from time to time be agreed upon between the two Administrations, the expense attendant on the payment being at the charge of the indebted Administration.

## ARTICLE 18.

*Miscellaneous notifications.*

Miscellaneous notifications.

The Administrations shall communicate to each other all items necessary for carrying out the exchange of parcels.

Entry into force; duration.

Modification.

The present Detailed Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement. The Administrations concerned shall, however, have the power by mutual consent to modify the details from time to time.

Signatures.

Done in duplicate and signed at Tōkyō on the 1st day of the 6th month of the 13th year of Syōwa, and at Washington on the 20th day of June 1938.

[SEAL]

JAMES A FARLEY

*Postmaster General of the United States of America.*

RYNTARO NAGAI

*Minister of State for Communications of Japan.*

Approval by the President.

The foregoing Regulations for the Execution of the Parcel Post Agreement between the United States of America and Japan have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.

SUMNER WELLES

*Acting Secretary of State.*

WASHINGTON, June 21, 1938.

*Agreement between the postal administration of the United States of America and the Kingdom of Yugoslavia concerning the exchange of parcel post, with regulations of execution. Signed at Béograd (Belgrade) April 16, 1938 and at Washington June 20, 1938; approved by the President June 24, 1938.*

April 16, 1938  
June 20, 1938

**ARRANGEMENT ENTRE L'ADMINISTRATION DES POSTES DES ETATS-UNIS D'AMÉRIQUE ET L'ADMINISTRATION DES POSTES DU ROYAUME DE YUGOSLAVIE CONCERNANT L'ÉCHANGE DES COLIS POSTAUX.**

**AGREEMENT BETWEEN THE POSTAL ADMINISTRATION OF THE UNITED STATES OF AMERICA AND THE KINGDOM OF YUGOSLAVIA CONCERNING THE EXCHANGE OF PARCEL POST.**

Les soussignés, munis des pleins-pouvoirs de leurs Gouvernements respectifs ont, d'un commun accord et sous réserve de ratification par l'autorité supérieure compétente, arrêté l'Arrangement suivant:

The undersigned, provided with full powers by their respective governments, have by common consent and subject to ratification by the competent superior authorities, drawn up the following Agreement:

Agreement with Yugoslavia, concerning exchange of parcel post.

**ARTICLE I.**

**ARTICLE I.**

*Objet de l'Arrangement.*

*Object of the Agreement.*

Entre les Etats-Unis d'Amérique (y compris l'Alaska, Hawaï, Porto Rico, Guam, Samoa et les Iles Vierges des États-Unis) et le Royaume de Yougoslavie, il peut être échangé, sous la dénomination de colis postaux, des envois jusqu'aux limites du poids et de dimensions prescrites dans le Règlement d'Exécution.

Between the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) and the Kingdom of Yugoslavia, there may be exchanged, under the denomination of parcel post, parcels up to the maximum weight and the maximum dimensions indicated in the Regulations of Execution.

Territory embraced.

Weight and dimensions.

Post, p. 1910.

**ARTICLE II.**

**ARTICLE II.**

*Colis en transit.*

*Transit parcels.*

1. Chaque Administration garantit le droit de transit sur son service à ou de l'un quelconque des pays avec lequel elle échange des colis postaux, aux colis originaires ou en destination du territoire de l'autre Administration contractante.

2. Chaque Administration fera connaître à l'autre quels sont les pays auxquels des colis peuvent

1. Each Administration guarantees the right of transit through its service, to or from any country with which it has parcel-post communication, of parcels originating in or addressed for delivery in the service of the other contracting Administration.

2. Each Administration shall inform the other to which countries parcels may be sent through

Right of transit.

Intermediate Administrations.

être adressés par son intermédiaire et les droits de transport qui lui reviennent ainsi que les autres conditions. it as intermediary, and the amount of the charges due to it therefor, as well as other conditions.

3. Pour être acceptées, les colis expédiés par l'un des pays contractants et destinés à transiter par le service de l'autre, doivent remplir les conditions fixées de temps en temps par l'Administration intermédiaire.

3. To be accepted for onward transmission, parcels sent by one of the contracting countries through the service of the other must comply with the conditions prescribed from time to time by the intermediate Administration.

## ARTICLE III.

## ARTICLE III.

*Affranchissements et taxes.**Prepayment of postage and fees.*

Collection from sender.

1. L'Administration d'origine est autorisée à percevoir de l'expéditeur de chaque colis les taxes d'affranchissement, les taxes pour demandes de renseignements faites postérieurement au dépôt, et, en ce qui concerne les colis assurés (colis avec valeur déclarée), les taxes d'assurance et les taxes de renvoi des accusés de réception, prévues de temps en temps par sa législation intérieure.

1. The Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted, and also, in the case of insured parcels, the insurance fees and the fees for return receipts that may from time to time be prescribed by its regulations.

Exception.

2. Sauf en cas de réexpédition ou de retour des colis à l'origine, l'affranchissement des colis ainsi que le paiement d'avance des taxes susindiquées applicables, est obligatoire.

2. Except in the case of returned or redirected parcels, prepayment of the postage and such of the fees mentioned in the preceding section as are applicable, is compulsory.

## ARTICLE IV.

## ARTICLE IV.

*Conditionnement des colis.**Preparation of parcels.*

Packing.

Chaque colis doit être emballé d'une manière répondant à la longueur du parcours et à la protection de contenu du colis ainsi qu'il est prescrit par le Règlement d'Exécution.

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Regulations of Execution.

Post, p. 1910.

## ARTICLE V.

## ARTICLE V.

*Objets prohibés.**Prohibitions.*

Articles specified.

1. Il est interdit d'expédier par colis postal:

1. The following articles are prohibited transmission by parcel post:

Dangerous articles.

(a) Les objets qui, par leur nature ou leur emballage, peuvent présenter du danger pour les agents, salir ou détériorer les autres colis.

(a) Articles which, from their nature or by their packing, may expose postal officials to danger, or soil, or damage other parcels.

Narcotics.

(b) L'opium, la morphine, la cocaïne et autres stupéfiants.

(b) Opium, morphine, cocaine and other narcotics.

Nonadmissible articles.

(c) Les objets dont l'admission n'est pas autorisée par la douane

(c) Articles whose admission is not authorized by the customs or



ou par les autres lois ou règlements en vigueur dans l'un ou l'autre pays.

(d) Des lettres ou documents ayant le caractère de correspondance actuelle et personnelle, mais il est permis d'insérer dans un colis une facture ouverte, limitée aux renseignements constitutifs d'une facture et aussi une copie simple de l'adresse du colis, avec mention de l'adresse de l'expéditeur.

(e) Les objets obscènes ou immoraux.

(f) Des animaux vivants, à l'exception des sangsues.

(g) Une pièce annexée portant une adresse différente de l'adresse portée sur l'emballage du colis.

(h) Les matières explosibles, inflammables ou dangereuses.

(i) Les pièces de monnaie, les billets de banque, les billets de monnaie ou les valeurs quelconques au porteur, le platine, l'or ou l'argent, manufacturés ou non, les pierres, les bijoux et autres objets précieux, dans les colis sans valeur déclarée.

2. Quand un colis contenant des objets prohibés est transmis par l'une des Administrations à l'autre, cette dernière doit agir conformément à ses lois et règlements intérieurs. Les matières explosibles ou inflammables ainsi que les documents, les portraits ou les autres objets portant atteinte aux bonnes mœurs du public, peuvent être détruites sur place par l'Administration que en constate la présence dans les colis.

Le fait qu'un colis contient une lettre ou une communication ayant le caractère d'une lettre ne peut en aucun cas entraîner le retour du colis à l'expéditeur. La lettre est toutefois taxée en vue de la perception, du destinataire, de l'affranchissement dû, d'après le tarif régulier.

Les deux Administrations se communiquent, au moyen de la "Liste des Objets Interdits" publiée par le Bureau International de l'Union Postale Universelle, la nomenclature de tous les objets prohibés; mais elles ne prendront, en agissant de la sorte, aucune

other laws or regulations in force in either country.

(d) A letter or document which constitutes an actual and personal correspondence, but it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, with mention of the address of the sender.

(e) Obscene or immoral articles.

(f) Live animals, except leeches.

(g) An enclosure which bears an address different from that placed on the cover of the parcel.

(h) Explosive, inflammable, or dangerous substances.

(i) Coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or not; precious stones, jewels, or other precious articles in uninsured parcels.

2. When a parcel containing any prohibited article is handed over by one Administration to the other, the latter shall proceed in accordance with its laws and inland regulations. Explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals may be destroyed on the spot by the Administration which has found them in the parcels.

The fact that a parcel contains a letter, or a communication having the nature of a letter, may not in any case entail return of the parcel to the sender. The letter is, however, marked for collection of postage due from the addressee at the regular rate.

The two Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not assume, on that account, any responsibility towards the cus-

Letters, etc.

Obscene, etc., articles.

Live animals.

Enclosure with different address.

Explosive, etc., substances.

Coin, etc.

Action to be taken.

Parcel containing a letter.

Advice as to prohibited articles.

responsabilité vis-à-vis de la police, de la douane ou des expéditeurs des colis. toms or police authorities or the sender.

Parcels wrongly admitted.

3. Dans le cas où les colis admis à tort à l'expédition ne seraient ni renvoyés à l'origine, ni remis au destinataire, l'Administration expéditrice doit être informée, précisément, du traitement appliqué à ces colis.

3. If parcels wrongly admitted to the post are neither returned to origin nor delivered to the addressee, the Administration of origin must be precisely informed as to the treatment accorded to the parcels.

#### ARTICLE VI.

##### *Assurance.*

Maximum amount.

Les colis peuvent être assurés jusqu'au montant de 500 francs-or ou l'équivalent en monnaie du pays d'origine. Cependant, les Chefs des Administrations postales des deux pays contractants peuvent, d'un commun accord, majorer ou réduire ce montant maximum de l'assurance.

Limitation.

Un colis ne peut donner droit à une indemnité supérieure à la valeur réelle de son contenu, mais il est permis d'assurer tout colis pour une partie seulement de cette valeur.

#### ARTICLE VI.

##### *Insurance.*

Parcels may be insured up to the amount of 500 gold francs or its equivalent in the currency of the country of origin. However, the Chiefs of the Postal Administrations of the two contracting countries may, by mutual consent, increase or decrease this maximum amount of insurance.

A parcel cannot give rise to an indemnity higher than the actual value of its contents, but it is permissible to insure it for only part of that value.

#### ARTICLE VII.

##### *Responsabilité. Indemnité.*

Responsibility.

1. Les Administrations postales des deux pays contractants ne seront pas responsables de la perte, de la soustraction ou la détérioration d'un colis ordinaire.

2. Sauf dans les cas prévus à l'article suivant, les Administrations contractantes sont responsables de la perte des colis assurés déposés dans l'un des deux pays contractants et à livrer dans l'autre et de la perte, de la spoliation ou de la détérioration de leur contenu ou d'une partie de celui-ci.

Indemnity.

L'expéditeur, ou tout autre réclamant qualifié, a droit à une indemnité correspondant au montant réel de la perte, de la spoliation ou du dommage. L'indemnité est calculée d'après le prix courant ou en l'absence de prix courant d'après la valeur de la marchandise, évaluée au moment et dans le lieu du dépôt; toutefois l'indemnité ne peut en aucun cas être supérieure à la somme pour

#### ARTICLE VII.

##### *Responsibility. Indemnity.*

1. The Administrations of the two contracting countries will not be responsible for the loss, abstraction, or damage of an ordinary parcel.

2. Except in the cases mentioned in the article following, the contracting Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the loss, abstraction of, or damage to, their contents, or a part thereof.

The sender, or any other rightful claimant, is entitled to compensation corresponding to the actual amount of the loss, abstraction, or damage. The amount of indemnity is calculated on the basis of the current price or, in the absence of current price, the ordinary value at the place where and the time when the parcel was accepted for mailing. However, the indemnity may not in any case be greater

laquelle le colis a été assuré, ou sur laquelle la taxe d'assurance a été perçue, ou au montant maximum de 500 francs-or.

3. Il n'est pas payé d'indemnité pour les dommages indirects ou des bénéfices non réalisés résultant de la perte, de la spoliation, de la détérioration, de la non-livraison, de la remise à une fausse adresse ou du retard d'un colis assuré expédié d'après les conditions du présent Arrangement.

4. Dans le cas où l'indemnité est due pour la perte d'un colis, pour un dommage irréparable du contenu ou pour la spoliation complète de ce contenu, le réclamant qualifié a également droit au remboursement des taxes d'affranchissement, sur demande; les taxes d'assurance sont, dans tous les cas, conservées par les Administrations contractantes.

5. Sauf arrangement spécial contraire entre les pays intéressés, arrangement qui peut être établi par correspondance, aucune indemnité ne sera payée par l'un ou l'autre des pays qui ne participe pas à cet Arrangement, et destinés à l'un des deux pays contractants ou pour les colis originaires de l'un des deux pays contractants et destinés à un pays qui ne participe pas à cet Arrangement.

6. Lorsqu'un colis assuré provenant de l'un des deux pays et destiné à être remis dans l'autre est réexpédié de la sur un tiers pays ou y est renvoyé à la demande de l'expéditeur ou du destinataire, l'ayant-droit à l'indemnité, en cas de perte de spoliation ou d'avarie survenue subseqüemment à la réexpédition ou au renvoi du colis par le pays de l'adresse primitive, ne peut prétendre, le cas échéant, qu'à l'indemnité que consent à verser ou—suivant l'entente convenue entre les pays intéressés directement à la réexpédition ou au renvoi—que doit payer le pays où le fait s'est produit. Chacun

than the amount for which the parcel was insured and on which the insurance fee has been collected, or the maximum amount of 500 gold francs.

3. No indemnity is paid for indirect damages or loss of profits resulting from the loss, rifling, damage, nondelivery, misdelivery, or delay of an insured parcel dispatched in accordance with the conditions of the present Agreement.

4. In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the rightful claimant is entitled to return of the postage charges, if claimed. The insurance fees are in every case retained by the contracting Administrations.

5. In the absence of special agreement to the contrary between the countries involved, which agreement may be made by correspondence, no indemnity will be paid by either country for the loss of transit insured parcels, that is, parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries or parcels originating in one of the two contracting countries and destined for a country not participating in this Agreement.

6. When an insured parcel originating in one of the two countries and destined to be delivered in the other is reforwarded from there to a third country or is returned to a third country at the request of the sender or of the addressee, the party entitled to indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim, in such a case, only to the indemnity which the country where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries

Indirect damages, etc.

Return of postage on loss of parcel.

Insurance fees.

Parcels originating in a third country destined for either contracting power.

Parcels destined for country not party to agreement.

Parcels reforwarded to or returned to a third country.

des deux pays signataires du présent Arrangement qui réexpédié à tort un colis assuré sur un tiers pays, est responsable envers l'expéditeur dans la même mesure que le pays originaire, donc dans les limites du présent Arrangement.

directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

Defects in packing.

7. L'expéditeur est responsable des défectuosités en l'emballage et de l'insuffisance de la fermeture et des cachets des colis V. D. En outre, les deux Administrations n'assument aucune responsabilité pour les pertes, spoliations ou détériorations résultant de défectuosités qui ne pouvaient être constatées lors du dépôt du colis.

7. The sender is responsible for defects in the packing and insufficiency in the closing and sealing of insured parcels. Moreover, the two Administrations are released from all responsibility in case of loss, rifling, or damage caused by defects not noticed at the time of mailing.

#### ARTICLE VIII.

##### *Exceptions au principe de la responsabilité.*

Les Administrations contractantes sont dégagées de toute responsabilité:

Parcels accepted without reservation.

(a) Pour les colis dont les destinataires ont pris livraison sans formuler des réserves.

Loss, etc., through force majeure.

(b) En cas de perte ou d'avarie due à la force majeure; bien que chacune des Administrations puisse, de son gré et sans recours contre l'autre Administration, payer indemnité pour la perte, ou l'avarie due à la force majeure, même si l'Administration du pays dans le service duquel la perte ou l'avarie a eu lieu reconnaît que le dommage a été causé par la force majeure. Le pays responsable de la perte, de la spoliation ou de l'avarie doit, suivant sa législation intérieure, décider si cette perte, spoliation ou avarie est due à des circonstances constituant un cas de force majeure.

Destruction of official documents.

(c) Lorsque, la preuve de leur responsabilité n'ayant pas été administrée autrement, elles ne peuvent rendre compte des colis par suite de la destruction des documents de service résultant d'un cas de force majeure.

#### ARTICLE VIII.

##### *Exceptions to the principle of responsibility.*

The contracting Administrations are released from all responsibility:

(a) For parcels of which the addressee has accepted delivery without reservation.

(b) In case of loss or damage through force majeure (causes beyond control) although either Administration may at its option and without recourse to the other Administration pay indemnity for loss or damage due to force majeure even in cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure. The country responsible for the loss, abstraction, or damage must decide, in accordance with its internal legislation, whether this loss, abstraction, or damage is due to circumstances constituting a case of force majeure.

(c) When, their responsibility not having been proved otherwise, they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

(d) Lorsque le dommage a été causé par la faute ou la négligence de l'expéditeur ou du destinataire ou du représentant de l'un ou l'autre, ou provient de la nature de l'objet.

(e) Pour les colis qui contiennent des objets prohibés.

(f) Quand l'expéditeur d'un colis assuré, avec l'intention de faire une fraude, déclare que le contenu du colis a une valeur supérieure à sa valeur réelle; mais cette règle ne porte préjudice à aucun poursuit judiciaire nécessité par la législation du pays d'origine.

(g) Pour les colis saisis par la douane par suite de fausse déclaration de leur contenu.

(h) Quand aucune réclamation ni demande n'a été présentée par le réclamant ou par son représentant dans le délai d'un an à partir du lendemain de jour du dépôt du colis assuré.

(i) Pour les colis qui contiennent des objets sans valeur intrinsèque ou des objets périssables, ou des objets qui ne remplissaient pas les stipulations de cet Arrangement, ou qui n'avaient pas été déposés de la manière prescrite; mais le pays responsable de la perte, la spoliation ou l'avarie pourra payer indemnité du chef de tels colis sans recours contre l'autre Administration.

(d) When the damage has been caused by the fault or negligence of the sender, or of the addressee, or the representative of either; or when it arises from the nature of the article.

(e) For parcels which contain prohibited articles.

(f) In case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin.

(g) For parcels seized by the Customs because of false declaration of contents.

(h) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the insured parcel.

(i) For parcels which contain matter of no intrinsic value, or perishable matter, or which did not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

Damage through fault of sender, addressee, etc.

Prohibited articles.

Declared above real value.

Seized because of false declaration.

Unclaimed within a year.

Matter of no intrinsic value, etc.

#### ARTICLE IX.

##### *Cessation de la responsabilité.*

Les Administrations cessent d'être responsables des colis dont elles ont effectué la remise dans les conditions prescrites par leur règlement intérieur pour les envois de même nature.

Toutefois, la responsabilité est maintenue lorsque le destinataire ou, en cas de renvoi, l'expéditeur formule des réserves en prenant livraison d'un colis spolié ou avarié.

#### ARTICLE IX.

##### *Termination of responsibility.*

Administrations cease to be responsible for parcels of which they have effected delivery in accordance with their internal regulations for parcels of the same kind.

Responsibility is, however, maintained when the addressee or, in case of return, the sender, makes reservations in taking delivery of a parcel which has been abstracted or damaged.

Termination of responsibility.

Reservations.

#### ARTICLE X.

##### *Payement de la compensation.*

L'obligation de payer la compensation ainsi que les droits

#### ARTICLE X.

##### *Payment of compensation.*

The obligation to pay compensation as well as the postage

Payment of compensation.

postaux à restituer incombe à l'Administration dont relève le bureau expéditeur du colis. Toutefois, lorsque l'indemnité est payée au destinataire selon le deuxième alinéa du paragraphe 2, de l'Article VII, cette obligation incombe à l'Administration de destination.

L'Administration payante a un droit de recours contre l'Administration responsable.

charges due to be refunded rests with the Administration to which the office of origin of the parcel is subordinate. However, in cases where the compensation is paid to the addressee in accordance with Article VII, Section 2, second paragraph, the obligation rests with the Administration of destination.

The paying Administration retains the right to make a claim against the Administration responsible.

#### ARTICLE XI.

##### *Délai de paiement de la compensation.*

Period for payment of compensation.

1. Le paiement de la compensation doit avoir lieu le plus tôt possible, au plus tard, dans le délai d'un an à compter du lendemain du jour de la réclamation.

Deferred payment.

Toutefois, l'Administration à laquelle incombe ce paiement peut exceptionnellement différer le règlement de l'indemnité jusqu'au delà de la période d'un an si, à la fin de cette période il n'a pas été en mesure de déterminer ce qu'est devenu l'envoi en question ou de fixer la responsabilité encourue.

Payment when delayed nine months.

2. Sauf en cas où le paiement est exceptionnellement différé en conformité avec le deuxième alinéa du paragraphe précédent, l'Administration postale qui se charge de paiement de l'indemnité est autorisée à desintéresser l'ayant droit pour le compte de l'Administration qui, régulièrement saisie, a laissé s'écouler neuf mois sans donner de solution à l'affaire.

#### ARTICLE XII.

##### *Détermination de la responsabilité.*

Fixing of responsibility.

1. Jusqu'à preuve du contraire, la responsabilité pour un colis assuré incombe à l'Administration qui, ayant reçu le colis sans faire d'observation et étant mise en possession de tous les moyens réglementaires d'investigation, ne peut pas établir le sort du colis.

#### ARTICLE XI.

##### *Period for payment of compensation.*

1. The payment of compensation must take place as soon as possible, and at the latest, within the period of one year counting from the day following that on which the claim is made.

However, the Administration responsible for making payment may exceptionally defer payment of indemnity for a longer period than one year if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

2. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes payment of compensation is authorized to pay indemnity on behalf of the Administration, which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

#### ARTICLE XII.

##### *Fixing of responsibility.*

1. Until the contrary is proved, responsibility for an insured parcel rests with the Administration which, having received the parcel without making any observations and being put in possession of all the regulation means of investigation, cannot establish the disposal of the parcel.

2. Lorsque la perte, la spoliation ou l'avarie d'un colis assuré sont constatées par le bureau d'échange destinataire, au moment de l'ouverture des dépêches et sont régulièrement signalées au bureau d'échange expéditeur, la responsabilité incombe à l'Administration à laquelle appartient le bureau d'échange expéditeur à moins qu'il ne soit prouvé que la perte, la spoliation ou l'avarie ont eu lieu dans le service de l'Administration destinataire.

3. Si la perte, la spoliation ou l'avarie s'est produite en cours de transport, sans qu'il soit possible d'établir sur le territoire ou dans le service de quel pays le fait s'est accompli, les Administrations en cause supportent le dommage par parts égales.

4. L'Administration qui a effectué le paiement de l'indemnité est subrogée, jusqu'à concurrence du montant de cette indemnité, dans les droits de la personne qui l'a reçue, pour tout recours éventuel, soit contre le destinataire, soit contre l'expéditeur ou contre des tiers.

5. En cas de découverte ultérieure d'un colis considéré comme perdu, la personne à qui l'indemnité a été payée doit avisée qu'elle peut prendre possession du colis contre restitution du montant de l'indemnité.

2. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred in the service of the receiving Administration.

Loss, etc., detected at receiving exchange office.

3. If the loss, rifling, or damage has taken place in the course of transportation, without its being possible to establish on the territory or in the service of which country the act took place, the Administrations involved bear the loss in equal shares.

Loss, etc., in transit.

4. The Administration paying compensation takes over, to the extent of the amount paid, the rights of the person who has received it, in any action which may be taken against the addressee, the sender, or a third party.

Rights taken over by paying office.

5. If a parcel which has been regarded as lost is subsequently found, the person to whom compensation has been paid must be informed that he is at liberty to take possession of the parcel against repayment of the amount of compensation.

Parcel regarded as lost and subsequently found.

### ARTICLE XIII.

#### *Remboursement de l'indemnité.*

1. L'Administration responsable de la perte, la spoliation ou l'avarie ou celle pour le compte de laquelle le paiement est effectué, est tenue de rembourser le montant de l'indemnité au pays qui a effectué le paiement. Ce remboursement doit se faire sans délai, et, au plus tard, au bout de neuf mois après réception de la notification du paiement.

2. Les remboursements au pays créancier doivent être faits sans frais pour ce pays, au moyen d'un mandat ou d'une traite, en monnaie ayant cours dans le pays

### ARTICLE XIII.

#### *Repayment of compensation.*

1. The Administration responsible for the loss, rifling, or damage and on whose account payment is made, is bound to repay the amount of the indemnity to the country which has effected the payment. This reimbursement must take place without delay, and at the latest within the period of 9 months after notification of payment.

2. These repayments to the creditor country must be made without expense for that country, by money order or draft, in money valid in the creditor country, or

Repayment of compensation.

créditeur, ou par tout autre moyen in any other way to be mutually  
qui pourra être convenu d'un com- agreed upon by correspondence.  
mun accord, par correspondance.

## ARTICLE XIV.

*Certificat de dépôt. Récépissés.*

## ARTICLE XIV.

*Certificate of mailing. Receipts.*

Certificate of mail-  
ing.

L'expéditeur d'un colis ordi-  
naire (non-assuré) recevra, sur sa  
demande faite au moment de la  
remise au transport, un certificat  
de dépôt délivré par le bureau  
d'acceptation sur une formule  
spéciale dressé à cet effet; chaque  
pays pourra percevoir une taxe  
raisonnable pour ce certificat.

On request made at the time of  
mailing an ordinary (uninsured)  
parcel, the sender will receive a  
certificate of mailing from the post  
office where the parcel is mailed,  
on a special form provided for the  
purpose; and each country may  
collect a reasonable fee for this  
certificate.

Receipt.

L'expéditeur d'un colis assuré  
reçoit gratuitement au moment de  
dépôt, un récépissé y relatif.

At the time of posting an insured  
parcel, the sender receives without  
charge, a receipt for his parcel.

## ARTICLE XV.

*Avis de réception et réclamations.*

## ARTICLE XV.

*Return receipts and inquiries.*

Advice of delivery.

1. L'expéditeur d'un colis assuré  
peut obtenir un avis de réception,  
moyennant, le cas échéant, le  
payement d'une taxe supplémen-  
taire que le pays d'origine fixera et  
dans les conditions établies par le  
Règlement d'Exécution.

1. The sender of an insured par-  
cel may obtain an advice of  
delivery upon payment of such  
additional charges, if any, as the  
country of origin of the parcel  
shall stipulate and under the con-  
ditions laid down in the Regula-  
tions of Execution.

Post, p. 1910.

Inquiries.

2. Le pays d'origine a la faculté  
de percevoir une taxe pour toute  
demande de renseignements, rela-  
tive au sort d'un colis ordinaire  
ou avec valeur déclarée, formulée  
postérieurement au dépôt, si l'ex-  
péditeur n'a pas déjà payé la  
taxe spéciale relative à l'avis de  
réception.

2. The country of origin has the  
right to charge a fee for any re-  
quest for information relative to  
the disposal of an ordinary parcel  
or of an insured parcel made after  
it has been posted, if the sender  
has not already paid the special  
fee to obtain an advice of delivery.

Complaints of  
irregularity.

3. Le pays d'origine a également  
la faculté de percevoir une taxe  
pour toute réclamation relative à  
une irrégularité qui, à première  
vue, n'est pas imputable à une  
faute du service postal.

3. The country of origin also has  
the right to charge a fee for any  
complaint of irregularity which  
prima facie was not due to the  
fault of the Postal Service.

## ARTICLE XVI.

*Retrait et changement d'adresse.*

## ARTICLE XVI.

*Recall and change of address.*

Recall and change  
of address.

Tant qu'un colis n'a pas été  
livré au destinataire, l'expéditeur  
peut en demander le retrait ou en  
faire modifier l'adresse. L'Ad-  
ministration postale du pays d'ori-  
gine est autorisée à percevoir et  
conserver, pour ce service, le droit  
fixé par son règlement. Les de-

So long as a parcel has not been  
delivered to the addressee, the  
sender may recall it or cause its  
address to be changed. For this  
service, the Postal Administration  
of the country of origin may collect  
and retain the charge fixed by its  
regulations. The requests for re-



mandes de retrait ou de changement d'adresse doivent être adressées à l'Administration Centrale à Washington, s'il s'agit de colis destinés à être distribués aux Etats-Unis d'Amérique, et au bureau de destination, s'il s'agit de colis destinés à être distribués au Royaume de Yougoslavie.

call or change of address must be sent to the Central Administration at Washington in case of parcels destined for the United States and to the office of destination in case of parcels destined for the Kingdom of Yugoslavia.

## ARTICLE XVII.

*Droits de douane.*

Les colis sont soumis à toutes les lois et règlements de douane en vigueur dans le pays de destination. Les droits exigibles de ce chef sont perçus sur le destinataire lors de la remise du colis, suivant le règlement de douane au pays destinataire.

## ARTICLE XVII.

*Customs charges.*

The parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel in accordance with the customs regulations of the country of destination.

Customs charges.

## ARTICLE XVIII.

*Annulation des droits de douane.*

Les droits de douane sur les colis renvoyés au pays d'origine ou réexpédiés sur un tiers pays seront annulés tant au Royaume de Yougoslavie qu'aux Etats-Unis d'Amérique.

## ARTICLE XVIII.

*Customs charges to be canceled.*

The customs charges on parcels sent back to the country of origin or redirected to another country shall be canceled both in the Kingdom of Yugoslavia and in the United States of America.

Cancellation, if returned or redirected.

## ARTICLE XIX.

*Droit de dédouanement.*

L'Administration destinataire peut percevoir, sur le destinataire, soit pour la remise à la douane et le dédouanement, soit pour la remise à la douane seulement, un droit s'élevant à 50 centimes-or au maximum par colis.

## ARTICLE XIX.

*Fee for customs clearance.*

The Administration of destination may collect from the addressee either in respect of delivery to the customs and clearance through the customs or in respect of delivery to the customs only, a fee not exceeding 50 centimes gold per parcel.

Fee for customs clearance.

## ARTICLE XX.

*Remise au destinataire. Droit de remise à domicile.*

Les colis sont remis aux destinataires dans le plus bref délai possible et conformément aux dispositions en vigueur dans le pays de destination. Ce pays peut percevoir, pour la remise des colis à domicile, un droit s'élevant à 50 centimes-or au maximum par colis. Le même droit est appli-

## ARTICLE XX.

*Delivery to the addressee. Fee for delivery at the place of address.*

Parcels are delivered to the addressees as quickly as possible in accordance with the conditions in force in the country of destination. This country may collect for delivery of parcels to the addressee a fee not exceeding 50 centimes gold per parcel. The same fee may be charged, if the case

Delivery to addressee.

Fee.

cable, le cas échéant, à toute arises, for each presentation after  
présentation, autre que la première, the first at the addressee's resi-  
faite au domicile ou au office du dence or place of business.  
destinataire.

## ARTICLE XXI.

*Droit de magasinage.*Warehousing  
charges.

Le pays de destination est autorisé à percevoir le droit de magasinage fixé par sa législation pour les colis adressés poste restante ou non retirés dans les délais prescrits.

Limitation.

Ce droit ne peut toutefois excéder 5 francs-or.

## ARTICLE XXI.

*Warehousing charges.*

The country of destination is authorized to collect the warehousing charge fixed by its legislation for parcels addressed "Poste restante" or which are not claimed within the prescribed period.

This charge may in no case exceed 5 gold francs.

## ARTICLE XXII.

*Colis en fausse direction.*

Ordinary parcels.

Les colis ordinaires envoyés en fausse direction sont réexpédiés sur leur destination par la voie la plus directe dont dispose l'Administration qui les a reçus par erreur. Cette Administration ne peut frapper ces colis de droits de douane ou d'autres taxes quelconques. Les colis assurés reçus en fausse direction ne sont réexpédiés que s'ils peuvent être réexpédiés comme colis assurés. Si cette condition n'est pas remplie, ces colis sont renvoyés à l'origine.

Refund, if parcel re-  
turned.

Lorsque le réacheminement comporte le retour du colis au bureau d'origine, l'Administration qui effectue la retransmission rembourse à ce bureau les bonifications reçues et signale l'erreur par bulletin de vérification.

Reforwarding to a  
third country.

Lorsque le réacheminement comporte l'expédition d'un colis sur un tiers pays et que la somme créditée à l'Administration effectuant la retransmission ne suffit pas à couvrir les frais de celle-ci, l'Administration réexpéditrice bonifie à l'Administration à laquelle elle remet le colis les droits de transport que comporte l'acheminement; elle récupère ensuite le montant de l'insuffisance par reprise sur le bureau d'échange dont elle a directement reçu le colis en fausse direction. Le motif de cette reprise est notifié à ce bureau au moyen d'un bulletin de vérification.

## ARTICLE XXII.

*Missent parcels.*

Ordinary parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the reforwarding Administration. They must not be charged with customs or other charges by that Administration. Insured parcels, when missent, may be reforwarded to their destination only as insured mail. If this is impossible, they must be returned to origin.

When the reforwarding involves return of the parcel to the office of origin, the retransmitting Administration refunds to that office the credits received and reports the error by a bulletin of verification.

When the reforwarding involves dispatch of a parcel to a third country and if the amount credited to the retransmitting Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration allows to the Administration to which it forwards the parcel the credits due it; it then recovers the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a bulletin of verification.

## ARTICLE XXIII.

*Réexpédition.*

1. La réexpédition d'un colis, par suite de changement de résidence du destinataire dans le territoire du pays de destination, peut être faite sur la demande de l'expéditeur ou du destinataire.

La réexpédition d'un colis sur le territoire d'un des pays contractants donne lieu à la perception des taxes supplémentaires prévues par l'Administration de ce pays. Il en est de même, le cas échéant, en ce qui concerne la remise de ce colis à une autre personne au lieu de destination primitif. Ces taxes ne seront pas annulées, même au cas où le colis est renvoyé à l'origine ou réexpédié sur un autre pays.

2. Si un colis doit être réexpédié sur un des deux pays signataires du présent Arrangement, il est passible des nouvelles taxes de transport, et, le cas échéant, de la taxe à la valeur, à moins que ces taxes n'aient pas été payées d'avance. Les nouveaux droits sont perçus sur le destinataire par l'Administration qui effectue la remise. Les colis assurés doivent être réexpédiés comme tels.

3. Sur demande de l'expéditeur ou du destinataire, les colis peuvent aussi être réexpédiés à un autre pays ou y être renvoyés. Les colis assurés ne peuvent cependant être réexpédiés ou renvoyés que comme tels. Les expéditeurs peuvent revêtir les colis de la mention "Ne pas réexpédier sur un tiers pays." Dans ce cas, les colis ne doivent être réexpédiés à aucun autre pays. En cas de perte, de spoliation ou d'avarie d'un colis assuré réexpédié à un tiers pays ou renvoyé par ce pays, l'indemnité est déterminée exclusivement d'après les dispositions de l'Article VII, paragraphe 6 du présent Arrangement.

## ARTICLE XXIV.

*Non remise.*

1. Les colis tombés en rebus renvoyés à l'expéditeur sont grevés

## ARTICLE XXIII.

*Reforwarding.*

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination, at the request of either the sender or the addressee.

Redirection.

The reforwarding of a parcel within one of the contracting countries gives rise to collection of the supplementary charges provided for by the Administration of that country. The same is true, if occasion arises, in regard to the delivery of such parcel to another person at the original place of destination. These charges shall not be canceled even in case the parcel is returned to origin or is reforwarded to another country.

Supplementary charges.

2. If a parcel must be reforwarded to one of the two countries signatory to the present Agreement, it is liable to new postage charges and, if occasion arises, new insurance fees, unless such charges and fees have been paid in advance. The new fees are collected from the addressee by the Administration effecting the delivery. Insured parcels must be reforwarded as such.

New fees.

3. At the request of the sender or addressee, parcels may also be reforwarded or returned to another country. Insured parcels may not, however, be reforwarded or returned except as such. The senders may mark the parcels: "Do not forward to a third country." In that case, the parcels must not be reforwarded to any other country. In case of loss, rifling, or damage of an insured parcel reforwarded to another country or returned by that country, the indemnity is decided upon exclusively in accordance with the provisions of Article VII, Section 6.

Return or reforwarding to another country.

Indemnity in case of loss, etc.

## ARTICLE XXIV.

*Non-delivery.*

1. Undeliverable parcels returned to the sender are liable to

Charges, etc.

d'une nouvelle taxe d'affranchissement ainsi que des nouveaux droits d'assurance, le cas échéant, et doivent être renvoyés comme ils ont été reçus. Les droits sont perçus sur l'expéditeur par l'Administration qui lui a remis les colis.

Instructions in case of non-delivery.

2. Au moment du dépôt, l'expéditeur est tenu d'indiquer par une mention portée sur la déclaration en douane et sur le colis lui-même, de quelle façon doit être traité le colis, en cas de non-remise.

A cet effet, il peut demander que son colis soit:

- (a) renvoyé à l'expéditeur;
- (b) considéré comme abandonné;
- (c) présenté à une autre personne dans le pays de destination.

Aucune demande autre que celles qui sont prévues ci-dessus, ou une demande similaire, n'est admise, à moins de la mention pourvue à l'Article XXIII, paragraphe 3.

Undeliverable parcels.

3. Sauf demande contraire de l'expéditeur, les colis qui n'ont pu être distribués sont renvoyés à l'origine sans préavis, à l'expiration d'une période de 30 jours, à partir de leur date d'arrivée au bureau de destination. Les colis que le destinataire refuse d'accepter doivent être renvoyés immédiatement. Tout colis renvoyé à l'expéditeur doit porter l'indication très claire du motif de la non-remise.

Parcels liable to deterioration.

4. Seuls les colis susceptibles à la détérioration ou la corruption peuvent être vendus immédiatement, même en cours de transport, à l'aller ou au retour, sans préavis et sans formalités judiciaires, au profit de qui de droit.

Si, pour une cause quelconque, la vente est impossible, les objets détériorés ou corrompus sont détruits. La vente ou la destruction donne lieu à l'établissement d'un procès-verbal qui est transmise au l'Administration d'origine.

Abandoned parcels.

5. Les colis non-distribuables, abandonnés par l'expéditeur, peuvent être vendus à l'expiration d'une période de 30 jours au profit de l'Administration du pays destinataire. Toutefois, dans le cas d'un colis assuré, il sera dressé un

new postage charges as well as insurance fees, if necessary, and must be returned as parcels of the same class as that in which they were received. The charges are collectible from the sender, and are collected by the Administration which delivers the parcels to him.

2. At the time of mailing, the sender must indicate by a note on the customs declaration and on the parcel itself, how his parcel is to be disposed of in case of non-delivery.

To this end, he may request that his parcel be:

- (a) returned to sender;
- (b) considered as abandoned;
- (c) delivered to another person in the country of destination.

No note other than those provided above, or note of similar import, is permitted, except as provided in Article XXIII, Section 3.

3. Barring contrary instructions undeliverable parcels are returned to origin, without previous notification, 30 days after their arrival at the office of destination. Parcels which the addressee refuses to accept shall be returned immediately. In all cases, the reason for non-delivery must be clearly indicated on the parcel.

4. Parcels liable to deterioration or corruption, and these only, may be sold immediately, even en route, on the outward or return voyage, without previous notice and without judicial formality, for the profit of the rightful party.

If, for any reason, sale is impossible, the deteriorated or corrupted articles are destroyed. The sale or destruction gives rise to the making of a report which is sent to the Administration of origin.

5. Undeliverable parcels which the sender has abandoned may, at the expiration of a 30-day period, be sold for the profit of the Administration of the country of destination. However, in the case of an insured parcel, a report is made

procès-verbal que doit être envoyé à l'Administration du pays d'origine. Aussi, l'Administration du pays d'origine doit être avisée si un colis assuré non-distribuable n'est pas renvoyé à l'origine.

6. Les dispositions de l'Article XXV, paragraphe 2, s'appliqueront à un colis, qui est retourné par suite de non-remise.

#### ARTICLE XXV.

##### *Bonifications.*

1. Pour chaque colis (ordinaire ou assuré) échangé entre les deux pays contractants, l'Administration expéditrice bonifie à l'Administration destinataire sur les feuilles de route les quotes-parts revenant à cette dernière, et indiquées dans le Règlement d'Exécution.

2. En cas de réexpédition ou de renvoi d'un colis à l'origine, si un nouvel affranchissement et un nouveau droit d'assurance (en cas de colis assuré) sont perçus par le bureau réexpéditeur, le colis est traité comme s'il était originaire de ce pays. Dans le cas contraire, l'Administration réexpéditrice reprend sur l'autre Administration le quote-part qui lui sont dû, c'est-à-dire, suivant le cas:

(a) les droits prescrits dans paragraphe 1 ci-dessus;

(b) les droits de réexpédition ou de renvoi.

En cas de réexpédition ou de renvoi sur un tiers pays, les droits accumulés, c'est-à-dire, ceux des droits mentionnées ci-dessus en (a) et (b) que sont applicables, suivent à charge du colis; mais dans le cas où le tiers pays intéressé n'accepte pas l'imputation des droits parce qu'ils ne peuvent être perçus du destinataire ou de l'expéditeur, le cas échéant, ou pour une raison quelconque, ces droits sont repris sur le pays d'origine.

En cas d'un colis renvoyé ou réexpédié en transit à travers l'une des Administrations vers l'autre, l'Administration intermédiaire pourra exiger aussi la somme qui

up, which must be sent to the Administration of the country of origin. Likewise, the Administration of the country of origin must be advised when an insured parcel which is undeliverable is not returned to origin.

6. The provisions of Article XXV, Section 2, shall be applied to a parcel which is returned in consequence of non-delivery.

#### ARTICLE XXV.

##### *Charges.*

1. For each parcel (ordinary or insured) exchanged between the two contracting countries, the dispatching Administration credits to the Administration of destination in the parcel bills, the quotas due to the latter and indicated in the Regulations of Execution.

2. In case of reforwarding or return to origin of a parcel, if new postage and new insurance fees (in the case of insured parcels) are collected by the redispaching office, the parcel is treated as if it had originated in that country. Otherwise, the redispaching office recovers from the other office, the quota due to it, namely, as the case may be:

(a) the charges prescribed by Section 1 above;

(b) the charges for reforwarding or return.

In case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a) and (b) above as are applicable, shall follow the parcel; but in the case that the third country concerned refuses to assume the charges because they cannot be collected from the addressee or the sender, as the case may be, or for any other reason, they shall be charged back to the country of origin.

In the case of a parcel returned or reforwarded in transit through one of the two Administrations to or from the other the intermediary Administration may claim also

Provisions applicable.

Credits.

Post, p. 1910.

Reforwarding or return to origin.

Reforwarding or return to a third country.

Returned or reforwarded in transit.

lui est due pour tout autre service territorial ou maritime effectué, ainsi que tous montants dus à une ou plusieurs autres Administrations quelconques qui sont intéressées.

## ARTICLE XXVI.

*Interdiction de percevoir des taxes postales autres que celles qui sont prescrites.*

Postal charges; restriction.

Les colis auxquels s'applique le présent Arrangement ne seront soumis à aucune taxe postale autre que celles qui sont prévues dans les différents articles dudit Arrangement.

the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

## ARTICLE XXVI.

*Postal charges other than those prescribed not to be collected.*

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

## ARTICLE XXVII.

*Colis avion.*

Surtax, etc.

Les Chefs des Administrations postales des deux pays contractants ont le droit de fixer, d'un commun accord, la surtaxe aérienne et les autres conditions au cas où les colis sont transportés par voie aérienne.

## ARTICLE XXVII.

*Air parcels.*

The Chiefs of the Postal Administrations of the two contracting countries have the right to fix by mutual consent the air surtax and other conditions in the case where the parcels are conveyed by the air routes.

## ARTICLE XXVIII.

*Suspension temporaire de services.*

Temporary suspension of services.

Chacune des deux Administrations peut suspendre temporairement le service des colis postaux, en totalité ou en partie, lorsqu'il existe des raisons spéciales pour le faire, ou restreindre ce service à certains bureaux, mais à la condition que l'autre Administration ait été informée de cette mesure à l'avance, au besoin par télégraphe.

## ARTICLE XXVIII.

*Temporary suspension of services.*

When there are special reasons for doing so, either Administration may temporarily suspend the parcel-post service, in whole or in part, or restrict it to certain offices, on condition that the other Administration be informed of this measure in advance, by telegraph if necessary.

## ARTICLE XXIX.

*Questions non réglées par l'Arrangement.*

Application of Universal Postal Union Convention, etc.

1. Toutes les questions concernant les demandes de retrait ou de changement d'adresse de colis, l'obtention et le sort d'avis de réception pour les colis assurés et le règlement des demandes d'indemnité, qui ne sont pas traitées dans le présent Arrangement sont soumises aux dispositions de la Convention de l'Union postale Universelle et de son Règlement d'Exécution, dans la mesure où

49 Stat. 2741.

## ARTICLE XXIX.

*Matters not provided for in the present Agreement.*

1. All questions concerning requests for recall or change of address of parcels, the obtaining and disposition of return receipts, and the settlement of claims for indemnity for insured parcels, which are not provided for in this Agreement, shall be subject to the provisions of the Universal Postal Union Convention and its Regulations of Execution, in so far as they are applicable and are not

celles-ci sont applicables et non incompatibles avec les dispositions précédentes. Enfin, à défaut d'autres dispositions, la législation intérieure des Etats-Unis d'Amérique ou du Royaume de Yougoslavie, ou les décisions prises par l'un ou l'autre des pays, sont applicables dans le pays respectif.

2. Les détails relatifs à l'application du présent Arrangement seront fixées par les deux Administrations dans un Règlement d'Exécution dont les dispositions pourront être modifiées ou complétées de commun accord par voie de correspondance.

3. Les deux Administrations se communiqueront réciproquement leurs lois, ordonnances et tarifs applicables au transport des colis postaux, ainsi que toutes les modifications de taxes qui y seraient introduites dans la suite.

contrary to the foregoing provisions. If the case is not provided for at all, the domestic legislation of the United States of America or of Yugoslavia, or the decisions made by one country or the other, are applicable in the respective country.

2. The details relative to the application of the present Agreement will be fixed by the two Administrations in Regulations of Execution, the provisions of which may be modified or completed by mutual consent by way of correspondence.

3. The two Administrations notify each other mutually of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as of all modifications in rates which may be subsequently made.

Further provisions.

Details to be fixed by mutual consent.

Mutual notification of applicable laws, etc.

### ARTICLE XXX.

#### *Durée de l'Arrangement.*

1. Cette Arrangement entrera en vigueur à partir de la date où l'Arrangement sera ratifié, et en attendant, les opérations qui y sont prévues commenceront à une date fixée de commun accord entre les Administrations des deux pays.

2. Elle demeurera en vigueur jusqu'à ce que l'une des deux Administrations contractantes ait notifié à l'autre, six mois à l'avance, son intention d'y mettre fin.

Fait en double exemplaire et signé à Washington, le 20<sup>me</sup> jour de juin 1938 et à Béograd le 16<sup>me</sup> jour d'avril 1938.

VOJKO ČVRKIĆ

*Le Ministre des Postes, Télégraphes et Téléphones du Royaume de Yougoslavie.*

### ARTICLE XXX.

#### *Duration of the Agreement.*

1. This Agreement will become effective on the date of ratification and pending ratification, the operations contemplated thereunder will commence on a date fixed by mutual consent of the Administrations of the two countries.

2. It will remain in force until one of the two contracting Administrations has notified the other, six months in advance, of its intention to abrogate it.

Done in duplicate and signed at Washington, the 20th day of June 1938 and at Beograd, the 16th day of April 1938

[SEAL] JAMES A FARLEY

*The Postmaster General of the United States of America.*

Effective date.

Duration.

Signatures.

The foregoing Agreement between the United States of America and the Kingdom of Yugoslavia for the exchange of parcels by parcel post has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

By the President.

CORDELL HULL

*Secretary of State.*

WASHINGTON, June 24, 1938.

FRANKLIN D ROOSEVELT

Approval by the President.

**RÈGLEMENT D'EXECUTION DE  
L'ARRANGEMENT CONCERNANT  
L'ÉCHANGE DES COLIS POSTAUX  
CONCLU ENTRE LE ROYAUME DE  
YUGOSLAVIE ET LES ÉTATS-UNIS  
D'AMÉRIQUE.**

**REGULATIONS OF EXECUTION  
FOR THE AGREEMENT CONCERNING  
THE EXCHANGE OF PARCEL POST  
CONCLUDED BETWEEN THE KINGDOM  
OF YUGOSLAVIA AND THE UNITED  
STATES OF AMERICA.**

Detailed Regulations.

Le Règlement détaillé suivant pour l'exécution de cet Arrangement a été arrêté par les Chefs des Administrations Postales des États-Unis d'Amérique et du Royaume de Yougoslavie:

The following Detailed Regulations for the execution of this Agreement have been agreed upon by the Chiefs of the Postal Administrations of the United States of America and of the Kingdom of Yugoslavia:

**ARTICLE 1.**

*Limites de poids et de dimensions.*

Limits of weight and size.

1. Les colis échangés sous les dispositions de cet Arrangement ne peuvent excéder le poids de 20 kilogrammes (44 livres) ni la longueur de 1 m. 25 (4 pieds) en tous sens ni avoir un volume supérieur à 55 décimètres cubes (2 pieds cubes).

Les limites de poids et de dimensions indiquées ci-dessus peuvent être changées de temps en temps d'un commun accord par correspondance.

2. En ce qui concerne le calcul exact du poids, du volume et des dimensions, les indications fournies par le bureau expéditeur seront acceptées, sauf dans le cas d'erreur évidente.

**ARTICLE 2.**

*Conditionnement des colis.*

Preparation of parcels.

1. Le nom et l'adresse de l'expéditeur ainsi que celle du destinataire doit être écrite lisiblement et correctement en caractères latins sur le colis même dans tous les cas où c'est possible, ou sur une étiquette attachée solidement au colis. Il est recommandé d'insérer dans tous les colis une copie de l'adresse notamment lorsqu'il s'agit de colis munis simplement d'une étiquette en raison de leur forme ou de leurs dimensions.

**ARTICLE 1.**

*Limits of weight and size.*

1. Parcels exchanged under the provisions of this Agreement may not exceed 44 pounds (20 kilograms) in weight nor 4 feet (1.25 meters) in length nor have a volume greater than 2 cubic feet (55 cubic decimeters).

The limits of weight and size stated above may be changed from time to time by agreement made through correspondence.

2. In regard to the exact calculation of the weight, volume, and dimensions, the indications furnished by the dispatching office will be accepted save in the case of obvious error.

**ARTICLE 2.**

*Preparation of parcels.*

1. The name and address of the sender and of the addressee must be written, legibly and correctly in roman letters on the parcel itself, if possible, or on a label securely affixed to the parcel. It is recommended that a copy of the address be inserted in every parcel, especially when the use of a tag for the address is rendered necessary by the packing or form of the parcel.



Les colis dont les expéditeurs ou les destinataires sont désignés par des initiales ne sont acceptés que lorsque les initiales représentent la raison sociale adoptée par l'expéditeur ou par le destinataire.

Les adresses au crayon ne sont pas admises; toutefois, sont acceptés les colis dont l'adresse est écrite au crayon indélébile sur une surface préalablement humectée.

2. Tout colis doit être emballé de manière à préserver le contenu pendant toute la durée du transport, et d'éviter que le contenu puisse détériorer les autres colis ou objets ou blesser les agents des postes. L'emballage doit protéger suffisamment le contenu du colis pour qu'en cas de spoliation, les traces puissent en être aisément découvertes.

Les colis assurés doivent obligatoirement être fermés et scellés au moyen de cachets à la cire, de plombs ou autrement. Le cachetage (ou le plombage) des colis ordinaires est facultatif ou un ficelage soigneux suffit comme moyen de fermeture. L'une ou l'autre des Administrations peut exiger qu'une empreinte ou marque spéciale uniforme de l'expéditeur figure sur les cachets ou les plombs comme mesure de sécurité.

L'Administration des douanes a le droit d'ouvrir les colis. A cet effet, elle peut rompre les cachets ou toute autre fermeture du colis. Dans le cas, ces colis doivent être refermés, et, si c'est nécessaire, recachetés à l'aide de cachets officiels, sauf dans le cas des colis ordinaires qui ne sont pas scellés par l'expéditeur pour la première fois.

3. Chaque colis assuré doit être revêtu sur l'adresse du colis du numéro d'assurance du colis et porter la mention "Insured" ou "Valeur déclarée" en écriture manuscrite, ou appliquée au moyen d'un timbre ou d'une étiquette à côté de l'adresse du colis.

4. Pour les colis assurés, la déclaration de la valeur doit être exprimée dans la monnaie du pays d'origine sur le colis en caractères

Parcels on which the name of the sender or of the addressee is indicated by initials are admitted only when the initials are the adopted trade name of the sender or addressee.

Addresses in ordinary pencil are not admitted; however, addresses written in indelible pencil on a previously dampened surface are accepted.

2. Each parcel must be packed in such a manner that the contents are protected over the whole route, and in such a way that the contents may not damage other parcels or objects or injure postal agents. The packing must protect the contents sufficiently that, in case of rifling, the traces thereof may be easily discovered.

Insured parcels must be closed and sealed by means of wax, lead, or other seals. Ordinary parcels may be sealed at the option of the sender, or careful tying is sufficient as a means of closing. As a protective measure, either Administration may require that a special imprint or mark of the sender appear on the wax or lead seals closing insured parcels.

The Customs Administration of the country of destination is authorized to open the parcels. To this end, the seals or any other fastenings may be broken. In such case, these parcels must be refastened and also officially resealed, except in the case of ordinary parcels which were not sealed by the sender in the first instance.

3. Each insured parcel must bear on the address side an insurance number and must be marked, stamped, or labeled "Insured" or "Valeur déclarée".

4. In case of insured parcels, the amount of insured value must appear on the parcel in currency of the country of origin in roman

latins, en toutes lettres et en chiffres arabes. letters spelled out in full and in arabic figures.

Le montant de la déclaration de valeur doit être converti en francs-or et le résultat de la conversion doit être indiqué par de nouveaux chiffres placés à côté ou au-dessous de ceux qui représentent le montant de la déclaration dans la monnaie du pays d'origine. The amount of the insured value must be converted into gold francs and the result of the conversion is to be shown by new figures placed beside or below those representing the amount of insured value in the currency of the country of origin.

En outre, le poids exact de chaque colis doit être inscrit par l'Administration d'origine sur l'adresse du colis et sur la déclaration en douane à la place à ce réservée. In addition, the exact weight of each parcel must be written by the Administration of origin on the address side of the parcel and on the customs declaration in the place reserved for this purpose.

5. Les étiquettes et les timbres-poste apposés sur les colis assurés doivent être espacés de façon à ne pas pouvoir cacher des lésions de l'emballage; ils ne peuvent pas, non plus, être repliés sur les deux faces de l'emballage de manière à couvrir la bordure. 5. The labels and postage stamps placed on the insured parcels must be so spaced that they cannot conceal injuries to the packing. Neither may they be folded over two faces of the wrapping so as to cover the edge.

6. Les liquides et les corps liquéfiables doivent être emballés dans un double récipient. Entre le premier (bouteille, flacon, boîte, etc.) et le second (boîte en métal, en bois résistant, en carton ondule solide ou en fibre de bois solide, ou tout autre récipient de résistance équivalente) il doit être ménagé un espace rempli de sciure de bois, de son ou de toute autre matière absorbante, en quantité suffisante pour absorber tout le liquide, si le récipient vient à être brisé. 6. Liquids and easily liquefiable substances must be sent in a double receptacle. Between the first (bottle, flask, box, etc.) and the second (box of metal, strong wood, or strong corrugated cardboard or fibreboard, or receptacle of equal strength) there must be left a space to be filled with sawdust, bran, or other absorbent material, in sufficient quantity to absorb all the liquid in case the receptacle is broken.

7. Les poudres et les teintures en poudre doivent être contenues dans des boîtes en fer-blanc résistant ou en autre métal, hermétiquement fermées et scellées, placées à leur tour dans un deuxième étui extérieur solide de manière à éviter tout dommage aux autres objets. 7. Powders and dyes in powder form must be packed in strong boxes of tin or other metal, hermetically closed and sealed and placed in turn in a second substantial outer cover in such a way as to avoid all damage to other articles.

### ARTICLE 3.

#### *Déclarations en douane.*

1. L'expéditeur établira une déclaration en douane pour chaque colis déposé dans l'un ou l'autre pays sur une formule spéciale prévue pour cet effet par le pays d'origine.

### ARTICLE 3.

#### *Customs declarations.*

1. The sender shall prepare one customs declaration for each parcel mailed in either country on a special form provided for the purpose by the country of origin.

Customs declarations.

Les déclarations en douane doivent donner la description générale du colis, l'indication exacte et détaillée du contenu et de sa valeur, la date de dépôt, le poids brut du colis et le poids net du contenu, et porter la signature et l'adresse de l'expéditeur, ainsi que le nom et l'adresse du destinataire, et elles doivent être attachées solidement aux colis.

Toutefois, par dérogation à ce qui précède, une seule déclaration en douane afférente aux colis expédiés de Yougoslavie aux Etats-Unis d'Amérique ou des Etats-Unis d'Amérique en Yougoslavie peut servir pour un seul envoi de colis ordinaire (non-assuré) envoyés par le même expéditeur au même destinataire au même moment. Ces déclarations en douane indiqueront, outre les détails prévus au paragraphe qui précède, le nombre total des colis que comprend l'envoi, et elles seront attachées solidement à un des colis. Les colis formant le même envoi porteront, de manière évidente, un numéro fractionnaire dont le numérateur doit indiquer en chiffres arabes, le numéro du colis et dont le dénominateur doit indiquer le montant des colis comprenant la consignment; par exemple, si un envoi comprend 15 colis, chaque colis doit être numéroté, respectivement,  $\frac{1}{15}$ ,  $\frac{2}{15}$ ,  $\frac{3}{15}$ , etc.

2. Les Administrations n'acceptent aucune responsabilité pour l'exactitude des indications portées sur les déclarations en douane.

#### ARTICLE 4.

##### *Avis de réception.*

1. Lorsqu'il est demandé un avis de réception, l'expéditeur ou le bureau d'origine portent sur le colis la mention "Avis de réception", "Return receipt requested" ou "A. R.". Le bureau d'origine ou tout autre bureau désigné par l'Administration expéditrice, établit un avis de réception et le fixe au colis. Si l'avis ne parvient pas au

The customs declarations must give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, gross and net weight, the sender's name and address, and the name and address of the addressee and shall be securely attached to the parcel.

However, as an exception to the foregoing, only one customs declaration for parcels sent from Yugoslavia to the United States of America, or from the United States to Yugoslavia, may serve for a single consignment of any number of uninsured parcels sent by the same sender to the same addressee at the same time. In this case, the customs declarations shall show, in addition to the particulars set forth in the preceding paragraph, the total number of parcels comprising the shipment, and shall be securely attached to one of the parcels. The parcels comprising the entire shipment shall be clearly marked in such case with a fractional number, the numerator of which will indicate, in arabic figures, the number of the parcel, and the denominator the number of parcels comprising the shipment; for example, if a single shipment were composed of 15 parcels, each parcel would be numbered respectively  $\frac{1}{15}$ ,  $\frac{2}{15}$ ,  $\frac{3}{15}$ , etc.

2. The Administrations accept no responsibility for the correctness of the information on the customs declarations.

#### ARTICLE 4.

##### *Return receipts.*

1. When a return receipt is requested, the sender or the office of origin places on the parcel the words or letters, "Avis de réception", "Return receipt requested", or "A. R.". The office of origin or any other office appointed by the dispatching Administration shall fill out a return receipt form and attach it to the parcel. If the form

Return receipts.

bureau de destination, celui-ci établit d'office un nouvel avis de réception.

2. Le bureau de destination, après avoir complété la formule en question, la renvoie, à découvert et en franchise, à l'adresse de l'expéditeur du colis.

3. Lorsque l'expéditeur demande un avis de réception postérieurement au dépôt du colis, le bureau d'origine remplit régulièrement une formule d'avis de réception, tout en y attachant une formule de réclamation pourvue des détails relatifs à l'expédition du colis, et la transmet au bureau de destination du colis. En cas de remise régulière du colis, le bureau de destination retire la formule de réclamation, et l'avis de réception est traité de la manière prescrite au paragraphe précédent.

does not reach the office of destination, that office makes out a duplicate.

2. The office of destination, after having completed the return receipt form, returns it free of postage to the address of the sender of the parcel.

3. When the sender applies for a return receipt after a parcel has been mailed, the office of origin duly fills out a return receipt form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel and then forwards it to the office of destination of the parcel. In the case of the due delivery of the parcel, the office of destination withdraws the inquiry form, and the return receipt is treated in the manner prescribed in the foregoing section.

#### ARTICLE 5.

##### *Réceptacles.*

Receptacles.

1. Les Administrations postales des deux pays contractants fournissent les sacs nécessaires à l'expédition de leur colis et chaque sac doit être marqué de façon à indiquer le nom du bureau ou du pays auquel il appartient.

2. Les sacs doivent être renvoyés vides au bureau expéditeur par le plus prochain courrier. Les sacs vides seront réunis par paquets de dix (neuf sacs renfermés dans un dixième sac). Le nombre total de ces sacs sera porte sur les feuilles de route respectives.

3. Au cas où dix pour cent du nombre total des sacs utilisés pendant une année n'a pas été renvoyé, la valeur des sacs manquants doit être remboursée à l'Administration d'origine.

#### ARTICLE 5.

##### *Receptacles.*

1. The postal Administrations of the two contracting countries shall provide the bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.

2. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. In case ten percent of the total number of bags used during the year have not been returned, the value of the missing bags must be repaid to the Administration of origin.

#### ARTICLE 6.

##### *Mode d'échange des colis.*

Method of exchange of parcels.

1. Les colis seront échangés, dans des sacs dûment fermés et cachetés, par les bureaux désignés à la suite d'un accord entre les Administrations, et seront expédiés sur le pays de destination, par le

#### ARTICLE 6.

##### *Method of exchange of parcels.*

1. The parcels shall be exchanged in sacks duly fastened and sealed by the offices appointed by agreement between the two Administrations, and shall be dispatched to the country of desti-

pays d'origine, à ses frais et par les moyens dont il dispose.

2. Les colis assurés sont insérés dans des sacs distincts de ceux qui contiennent les colis ordinaires; les étiquettes des sacs contenant des colis assurés sont marquées d'un signe distinctif dont les Administrations pourront de temps en temps convenir éventuellement.

#### ARTICLE 7.

##### *Inscription des colis sur les feuilles de route.*

1. Les colis avec valeur déclarée et les colis ordinaires sont inscrits sur des feuilles de route distinctes. Les feuilles de route sont établies en double expédition. L'original est envoyé dans les dépêches régulières et le duplicata est inséré dans l'un des sacs. Le sac contenant la feuille de route est désigné pour la lettre "F" tracée d'une manière apparente sur l'étiquette.

2. Les colis ordinaires compris dans chaque dépêche envoyée aux Etats-Unis d'Amérique sont inscrits sur les feuilles de route par le seul mention du nombre total des colis et de leur poids net total.

Les colis ordinaires compris dans chaque dépêche à destination de la Yougoslavie sont inscrits sur les feuilles de route pour démontrer le nombre total des colis ne dépassant pas 1 kilogramme, des colis au delà de 1 kilogramme jusqu'à 5 kilogrammes, au delà de 5 jusqu'à 10 kilogrammes, au delà de 10 jusqu'à 15 kilogrammes et au delà de 15 jusqu'à 20 kilogrammes.

3. Les colis assurés sont inscrits individuellement sur les feuilles de route de façon à comprendre le numéro d'assurance du colis ainsi que le nom du bureau d'origine.

Pour les colis envoyés aux Etats-Unis, le poids net total de tous les colis doit être aussi indiqué. Pour les colis envoyés en Yougoslavie le poids de chaque colis doit être inscrit individuellement dans la feuille de route.

nation by the country of origin at its cost and by such means as it provides.

2. Insured parcels shall be enclosed in separate sacks from those in which ordinary parcels are contained, and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

#### ARTICLE 7.

##### *Entry of parcels on the parcel bills.*

1. Insured and ordinary parcels are entered on separate parcel bills. The parcel bills are prepared in duplicate. The original is sent in the regular mails while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F" traced in a conspicuous manner on the label.

Entry of parcels on  
the parcel bills.

2. The ordinary parcels included in each dispatch sent to the United States of America are entered on the parcel bills to show the total number of parcels and the total net weight thereof.

The ordinary parcels included in each dispatch sent to Yugoslavia are entered on the parcel bills to show the total number of parcels not exceeding 1 kilogram, parcels over 1 kilogram to 5, over 5 to 10 kilograms, over 10 to 15 and over 15 to the weight of 20 kilograms.

3. Insured parcels are entered individually in the parcel bills. The entry for each parcel comprises the insurance number of the parcel as well as the name of the office of origin.

For parcels sent to the United States, the total net weight of all the parcels must also be shown. For parcels sent to Yugoslavia, the weight of each parcel must be entered individually in the parcel bills.

4. Les colis envoyés à découvert doivent être inscrits séparément sur les feuilles de route.

5. Les colis en retour ou réexpédiés doivent être inscrits individuellement sur les feuilles de route et l'inscription est suivie de la mention "en retour" ou "réexpédié", selon le cas. Il y a lieu d'indiquer éventuellement, dans la colonne "Observations", les frais pouvant grever ces colis.

6. Le nombre total des sacs dont se compose chaque envoi doit être indiqué aussi sur les feuilles de route.

7. Chaque bureau d'échange expéditeur doit numéroter les feuilles de route au coin supérieur gauche, en commençant tous les ans une nouvelle série pour chacun des bureaux d'échange destinataires. Le dernier numéro de l'année précédente doit être indiqué sur la feuille de route de la première dépêche de l'année suivante.

8. Le mode exact d'inscription des colis ou des récipients qui les contiennent, envoyés en transit, par l'une des Administrations à l'autre ainsi que tous les détails des opérations à effectuer au sujet du mode d'inscription de ces colis ou de ces dépêches, et pour lesquels il n'est rien prévu ci-dessus, seront réglés d'un commun accord et par correspondance, par les deux Administrations.

4. Parcels sent in open mail must be entered separately in the parcel bills.

5. Returned or reforwarded parcels must be entered individually in the parcel bills, and the entry is followed by the word "Returned" or "Reforwarded" as the case may be. Also, any charges due on these parcels should be indicated in the "Observations" column.

6. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

7. Each dispatching exchange office must number the parcel bills in the upper left-hand corner, beginning every year a new series for each exchange office of destination. The last number of the preceding year must be indicated on the parcel bill of the first dispatch of the following year.

8. The exact method of entering parcels or the receptacles containing them sent in transit by one Administration to the other, as well as all details of procedure in connection with the method of entering such parcels or such dispatches, for which no provision is made above, will be decided upon by mutual consent through correspondence by the two Administrations.

#### ARTICLE 8.

##### *Vérification par les Bureaux d'échange.*

Verification by the exchange offices.

1. A la réception d'un envoi, le bureau d'échange destinataire procède à la vérification des colis et des divers documents qui les accompagnent. Si l'un des colis est manqué ou s'il est constaté des erreurs ou des omissions sur la feuille de route, il opère immédiatement les rectifications nécessaires en ayant soin de biffer les indications erronées, de manière à laisser reconnaître les inscriptions primitives. Ces rectifications s'effectuent avec le concours de deux

#### ARTICLE 8.

##### *Verification by the exchange offices.*

1. On receipt of a parcel mail, the office of exchange of destination proceeds to check the parcels and the various documents which accompany them. If a parcel is missing or if the exchange office detects errors or omissions on the parcel bill, it immediately makes the necessary correction, taking care to strike out the incorrect entries in such a way as to leave the original entries legible. These corrections are made by two officers. Except in case of obvious error,

agents. A moins d'une erreur évidente, elles prévalent sur la déclaration originale. they are accepted in preference to the original statement.

Un bulletin de vérification est, en outre, dressé par le bureau destinataire et envoyé sans délai, en double expédition, au bureau d'échange expéditeur. A bulletin of verification is in addition prepared by the office of destination and sent without delay, in duplicate, to the dispatching exchange office.

S'il est constaté une erreur ou une irrégularité à la réception d'une dépêche, toutes les pièces pouvant servir de preuves à l'appui en vue de recherches ultérieures ou de l'examen de demandes d'indemnité doivent être conservées. If an error or irregularity is found upon receipt of a dispatch, all objects which may serve later on for investigations, or for examination of requests for indemnity, must be kept.

2. Le bureau d'échange expéditeur auxquels sont adressés les bulletins de vérification les renvoient le plus promptement possible après les avoir examinés et y avoir mentionné leurs observations, s'il y a lieu. Ces bulletins sont ensuite annexés aux feuilles de route qu'ils concernent. Les corrections faites sur une feuille de route et non appuyées des pièces justificatives sont considérées comme nulles. 2. The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. Si c'est nécessaire, le bureau d'échange expéditeur peut également être avisé par télégramme, aux frais de l'Office qui envoie ce télégramme. 3. If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the Office sending such telegram.

4. En cas de manquant d'une feuille de route, il en est établi un duplicata dont une copie est envoyée au bureau d'échange expéditeur de l'envoi. 4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. Le bureau d'échange qui reçoit d'un bureau correspondant un colis insuffisamment emballé ou avarié doit y donner cours après l'avoir emballé de nouveau, s'il y a lieu, en conservant autant que possible l'emballage primitif. 5. The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must redispach such parcel after repacking, if necessary, preserving the original packing as far as possible.

Si l'avarie est telle que le contenu de l'envoi a pu être soustrait, le bureau doit procéder d'abord à l'ouverture d'office du colis et à la vérification de son contenu. If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

Dans les deux cas, le poids du colis doit être constaté avant et après le nouvel emballage et indiqué sur l'enveloppe même du colis. Cette indication est suivie de la mention "Remballé à . . . " In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Repacked at . . .",

et de la signature des agents and the signature of the agents  
ayant effectué le remballage. who have effected such repacking.

## ARTICLE 9.

*Bonifications.*

## Charges.

1. Pour chaque colis (ordinaire ou assuré) échangé entre les deux pays contractants, l'Administration expéditrice bonifie un droit terminal sur les bases indiquées ci-après:

(a) Pour les colis provenant de la Yougoslavie à destination des Etats-Unis d'Amérique, 70 centimes-or par kilogramme calculé sur le poids net global de chaque dépêche.

(b) Pour les colis provenant des Etats-Unis d'Amérique à destination de la Yougoslavie la taxe terminale par colis:

Jusqu'à 1 kilogramme.....	0. 85
franc-or.	
Au delà de 1 kilogramme jusqu'à 5 kilogrammes.....	1. 25
franc-or.	
Au delà de 5 kilogrammes jusqu'à 10 kilogrammes.....	2. 25
francs-or.	
Au delà de 10 kilogrammes jusqu'à 15 kilogrammes.....	3. 25
francs-or.	
Au delà de 15 kilogrammes jusqu'à 20 kilogrammes.....	4. 25
francs-or.	

(c) Pour les colis assurés, un droit d'assurance additionnel de dix centimes-or par colis.

2. Dans le cas de colis provenant de la Yougoslavie et expédiés aux Etats-Unis d'Amérique pour être transmis à l'une de ses possessions ou, en dépêches closes, à un tiers pays, l'Administration de la Yougoslavie bonifiera à l'Administration des Etats-Unis comme droit de transit, 70 centimes-or par kilogramme lorsque le transit a lieu par mer seulement; 1.15 franc-or par kilogramme lorsque le transit a lieu par terre seulement et 1.50 franc-or par kilogramme lorsque le transit s'effectue par mer et par terre, basé sur le poids net global de chaque dépêche.

De même, pour les colis destinés aux possessions des Etats-Unis, l'Administration de la Yougoslavie

## ARTICLE 9.

*Charges.*

1. For each parcel (ordinary or insured) exchanged between the two contracting countries, the dispatching Administration shall pay a terminal credit as follows:

(a) For parcels originating in Yugoslavia, addressed to the United States of America, 70 gold centimes per kilogram, computed on the bulk net weight of each dispatch.

(b) For parcels originating in the United States of America, addressed to Yugoslavia, terminal charges for each parcel:

Up to 1 kilogram.....	0. 85
gold franc.	
Over 1 up to 5 kilograms.....	1. 25
gold franc.	
Over 5 up to 10 kilograms.....	2. 25
gold francs.	
Over 10 up to 15 kilograms.....	3. 25
gold francs.	
Over 15 up to 20 kilograms.....	4. 25
gold francs.	

(c) For insured parcels, an additional insurance credit of 10 gold centimes per parcel.

2. In the case of parcels originating in Yugoslavia which are sent to the United States of America for onward dispatch to a possession of the latter country, or in closed mails to a third country, the Administration of Yugoslavia shall pay to the Administration of the United States as a transit credit, 70 gold centimes per kilogram when only sea transit is provided; 1.15 gold franc per kilogram when only land transit is provided, and 1.50 gold franc per kilogram when both land and sea transit are provided, based on the bulk net weight of each dispatch.

Also, in the case of parcels for the possessions of the United States of America, the Adminis-



Etats-Unis les droits terminaux indiqués ci-après basés sur le poids net global de chaque dépêche:

Pour les colis destinés à l'Alaska, 70 centimes-or par kilogramme.

Pour les colis destinés à Porto Rico, les Iles Vierges, Guam, Samoa et Hawaï, 35 centimes-or par kilogramme.

3. Les droits terminaux et de transit spécifiés ci-dessus peuvent être réduits ou majorés, sur préavis de 3 mois donné par un pays à l'autre. La réduction ou la majoration restera en vigueur pendant une durée d'un an au moins.

the Administration of the United States the following terminal credits, based on the bulk net weight of each dispatch:

For parcels for Alaska, 70 centimes gold per kilogram.

For parcels for Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii 35 centimes gold per kilogram.

3. The terminal charges and transit rates specified above may be reduced or increased on 3 months previous notice given by one country to the other. These reductions or increases shall hold good for at least one year.

#### ARTICLE 10.

##### *Règlement des comptes.*

1. A la fin de chaque trimestre, chaque Administration établit un compte sur la base des feuilles de route.

2. Ces comptes, accompagnés des feuilles de route et, le cas échéant, de copies des bulletins de vérification s'y rapportant, doivent être soumis à l'examen de l'Administration correspondante dans le courant du mois qui suit le trimestre auquel ils se rapportent.

3. La récapitulation, l'envoi, l'examen et l'acceptation de ces comptes ne doivent pas être retardés et le règlement du solde aura lieu, au plus tard, à l'expiration du trimestre suivant.

4. Le solde résultant de la balance des comptes entre les deux Administrations est payé par traité à vue, tirée sur New York ou par un autre moyen convenu réciproquement par voie de correspondance. Les frais de paiement sont à la charge de l'Administration débitrice.

#### ARTICLE 10.

##### *Accounting.*

1. At the end of each quarter, each Administration makes up an account on the basis of the parcel bills.

2. These accounts accompanied by the parcel bills and, if any, copies of verification notes relating thereto shall be submitted for the examination of the corresponding Administration in the course of the month following the quarter to which they relate.

3. The recapitulation, transmission, examination, and acceptance of these accounts must not be delayed and payment of the balance shall take place at the latest at the expiration of the following quarter.

4. The balance resulting from adjustment of the accounts between the two Administrations is paid by a sight draft drawn on New York, or by some other means mutually agreed upon by correspondence. The expenses of payment are chargeable to the debtor Administration.

Accounting.

#### ARTICLE 11.

##### *Notifications diverses.*

Les Administrations se communiqueront réciproquement un résumé de leurs lois ou règlement applicables aux colis échangés entre les deux pays contractants et des autres détails nécessaires pour l'exécution de l'échange des colis.

#### ARTICLE 11.

##### *Miscellaneous notifications.*

The Administrations shall communicate to each other a summary of the provisions of their laws or regulations applicable to the parcels exchanged between the two contracting countries, and other items necessary for carrying out the exchange of parcels.

Miscellaneous notifications.

Effective date and  
duration.

Le présent Règlement sera ex-  
cutoire à partir du jour de la mise  
en vigueur de l'Arrangement con-  
cernant les colis postaux et il aura  
la même durée que cet Arrange-  
ment.

These regulations shall come  
into operation on the day on which  
the Parcel Post Agreement comes  
into force and shall have the same  
duration as the Agreement.

Signatures.

Fait en double expédition et  
signé à Washington, le 20<sup>me</sup> jour  
de juin 1938 et à Béograd le 16<sup>th</sup>  
jour d'avril 1938.

VOJKO ČVRKIĆ  
*Le Ministre des Postes, Télé-  
graphes et Téléphones du  
Royaume de Yougoslavie.*

Done in duplicate and signed  
at Washington, the 20th day of  
June 1938 and at Béograd, the  
16th day of April 1938.

[SEAL] JAMES A FARLEY  
*The Postmaster General of the  
United States of America.*

Approval by the  
President.

The foregoing Regulations for the Execution of the Parcel Post  
Agreement between the United States of America and the Kingdom  
of Yugoslavia have been negotiated and concluded with my advice  
and consent and are hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States  
to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.

CORDELL HULL  
*Secretary of State.*

WASHINGTON, June 24, 1938.

*Protocol between the United States of America, the French Republic, and the United Kingdom of Great Britain and Northern Ireland modifying the treaty of March 25, 1936 for the limitation of naval armament. Signed at London June 30, 1938; effective June 30, 1938.*

June 30, 1938  
[E. A. S. No. 127]

### PROTOCOL.

WHEREAS by Article 4 (1) of the Treaty for the Limitation of Naval Armaments signed in London on the 25th March, 1936, it is provided that no capital ship shall exceed 35,000 tons (35,560 metric tons) standard displacement;

Capital ships, displacement.  
50 Stat. 1371.

And whereas by reason of Article 4 (2) of the said treaty the maximum calibre of gun carried by capital ships is 16 inches (406 mm.);

Gun calibre.  
50 Stat. 1371.

And whereas on the 31st March, 1938, the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland gave notice under paragraph (2) of Article 25 of the said Treaty of their decision to exercise the right provided for in paragraph (1) of the said Article to depart from the limitations and restrictions of the treaty in regard to the upper limits of capital ships of sub-category (a);

Notice served of departure from treaty limitations.  
50 Stat. 1387.

And whereas consultations have taken place as provided in paragraph (3) of Article 25, with a view to reaching agreement in order to reduce to a minimum the extent of the departures from the limitations and restrictions of the treaty;

Consultations held.

The undersigned, duly authorised by their respective Governments, have agreed as follows:—

Agreement.

1. As from this day's date the figure of 35,000 tons (35,560 metric tons) in Article 4 (1) of the said treaty shall be replaced by the figure of 45,000 tons (45,720 metric tons).
2. The figure of 16 inches (406 mm.) in Article 4 (2) remains unaltered.
3. The present protocol, of which the French and English texts shall both be equally authentic, shall come into force on this day's date.

Figures replaced.

In faith whereof the undersigned have signed the present protocol. Done in London the 30th day of June, 1938.

Signatures.

For the Government of the United States of America:

HERSCHEL V. JOHNSON.

For the Government of the French Republic:

ROGER CAMBON.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ALEXANDER CADOGAN.

## PROTOCOLE.

CONSIDÉRANT que l'article 4 (1) du Traité pour la Limitation des Armements navals signé à Londres le 25 mars 1936 a stipulé qu'aucun navire de ligne ne doit avoir un déplacement-type supérieur à 35,000 tonnes (35,560 tonnes métriques);

Considérant que, en raison de l'article 4 (2) dudit traité le maximum du calibre de l'artillerie portée par les navires de ligne est de 16 pouces (406 m/m);

Considérant que, à la date du 31 mars 1938, le Gouvernement des États-Unis d'Amérique et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord ont notifié, conformément au paragraphe (2) de l'article 25 dudit traité, leur décision d'exercer le droit stipulé au paragraphe (1) dudit article de déroger aux limitations et restrictions du traité relatives aux limites supérieures des navires de ligne de la sous-catégorie (a);

Considérant que des consultations ont eu lieu, conformément au paragraphe (3) de l'article 25, en vue de réaliser un accord pour réduire au minimum la portée des dérogations aux limitations et restrictions du traité;

Les soussignés, dûment autorisés par leurs Gouvernements respectifs, sont convenus de ce qui suit:

1. A dater de ce jour, le chiffre de 35,000 tonnes (35,560 tonnes métriques) de l'article 4 (1) du traité sera remplacé par le chiffre de 45,000 tonnes (45,720 tonnes métriques).
2. Le chiffre de 16 pouces (406 m/m) de l'article 4 (2) est maintenu sans changement.
3. Le présent protocole, dont les textes français et anglais feront également foi, entrera en vigueur à la date de ce jour.

En foi de quoi, les soussignés ont signé le présent protocole.  
Fait à Londres le 30 juin 1938.

Pour le Gouvernement des États-Unis d'Amérique:

HERSCHEL V. JOHNSON.

Pour le Gouvernement de la République française:

ROGER CAMBON.

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:

ALEXANDER CADOGAN.

*Supplementary agreement between the United States of America and Haiti further modifying the agreement of August 7, 1933. Signed July 1, 1938.*

July 1, 1938  
[E. A. S. No. 128]

SUPPLEMENTARY EXECUTIVE ACCORD EXECUTIF ADDITION-  
AGREEMENT BETWEEN THE NEL ENTRE LES ETATS UNIS  
UNITED STATES AND THE D'AMERIQUE & LA REPUBLI-  
REPUBLIC OF HAITI. QUE D'HAITI.

The undersigned plenipotentiaries, duly authorized by their respective Governments, have agreed upon the following Supplementary Executive Agreement:

Les Plénipotentiaires, soussignés, dûment autorisés par leurs Gouvernements respectifs, sont convenus de l'Accord Exécutif Additionnel suivant:

Supplementary  
Executive Agreement  
with Haiti.

#### ARTICLE I

On and after October 1, 1938 and until and including September 30, 1939, all moneys received by or for the Haitian Government shall be deposited in the National Bank of the Republic of Haiti to the credit of the Haitian Government with the exception of the five per centum of customs revenues foreseen in Article IX of the Accord of August 7, 1933, and the amounts needed for payments connected with execution of the Loan Contracts which payments during the period mentioned shall consist of the amounts necessary to pay the interest on all outstanding bonds issued under the Loan Contracts of October 6, 1922 and May 26, 1925 and \$ 20,000 on account of the amounts required to be paid under such Loan Contracts for the amortization of the bonds which amounts shall be credited to the Fiscal Representative.

#### ARTICLE I

A partir du 1er. Octobre 1938 et jusqu'au 30 Septembre 1939 inclusivement, tous les fonds recouverts par ou pour le Gouvernement Haitien seront déposés, au crédit du Gouvernement Haitien, à la Banque Nationale de la République d'Haiti, à l'exception des sommes suivantes qui seront déposées au crédit du Représentant Fiscal: 1o. les 5% des recettes douanières prévus à l'Article IX de l'Accord du 7 Août 1933, et 2o. les fonds exigibles pour les paiements afférents au service des contrats d'emprunt, lesquels paiements, durant la période susmentionnée, consisteront a) en les valeurs nécessaires pour payer les intérêts sur tous les titres en circulation, émis d'après les contrats d'emprunt du 6 Octobre 1922 et du 26 Mai 1925, et b) en une somme de \$ 20,000 à valoir sur les valeurs exigibles, d'après les susdits contrats d'emprunt, pour l'amortissement des titres.

Deposit of receipts.

48 Stat. 1780.

## ARTICLE II

## ARTICLE II

48 Stat. 1781, 1788.

The provisions of the first sentence of Article XI and the first and last sentences of Article XVI of the Accord of August 7, 1933, to the extent and only to the extent that they may be inconsistent with the provisions of Article I of this ACCORD, shall be suspended so long as this Supplementary Executive Agreement remains in effect.

Les effets des dispositions de la première phrase de l'article XI et de la première et de la dernière phrases de l'article XVI de l'Accord du 7 Août 1933 seront, en tant seulement qu'ils sont contraires aux dispositions de l'article premier du présent Accord, suspendus, tant que cet Accord Exécutif Additionnel restera en vigueur.

Signatures.

Signed at Port-au-Prince, in duplicata, in the English and French languages, this 1st day of July nineteen hundred and thirty-eight.

Fait de bonne foi, en double, en anglais et en français à Port-au-Prince, le 1er. Juillet mil neuf cent trente huit.

FERDINAND LATHROP MAYER

GEORGES N. LÉGER

[SEAL]

[SEAL]

*Arrangement between the United States of America and Canada respecting air navigation. Effected by exchange of notes signed July 28, 1938; effective August 1, 1938.*

July 28, 1938

[E. A. S. No. 129]

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE

Washington, July 28, 1938

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal air navigation arrangement.

Reciprocal air navigation arrangement with Canada.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

# ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO AIR NAVIGATION.

## ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country in accordance with its requirements as to registration.

Operation provisions.

(b) The term "civil aircraft" shall for the purposes of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

"Civil aircraft" defined.

## ARTICLE II

The present arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

Application.

## ARTICLE III

(a) Each of the Parties to the present arrangement shall grant, in time of peace, liberty of passage above its territory to aircraft of the other Party duly registered in the territory of such other Party, provided that the conditions set forth in the present arrangement are observed.

Liberty of passage.

(b) It is, however, agreed that the establishment and operation by an enterprise of one of the Parties of a regular air route or service to, over or away from the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party.

Regular air routes, consent required.

(c) Any air transport enterprise of either Party applying for permission to operate such a route or service shall be required to submit its application through diplomatic channels.

Applications for operation, submitted through diplomatic channels.

## ARTICLE IV

Jurisdiction over  
aircraft, passengers,  
etc.

(a) The aircraft of each of the Parties, passengers and goods carried thereon and personnel employed on the aircraft, shall while within or over the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning entry and clearance, immigration, passports, quarantine and customs.

(b) Subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the carriage of passengers and the import or export of any goods which may lawfully be imported or exported will be permitted in aircraft of either Party into or out of territory of the other Party; and (subject to the same proviso) such aircraft, passengers and goods carried thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same privileges as aircraft of such other Party and shall not, merely by reason of the nationality of the aircraft, be subjected to any other or higher duties or charges than those which are or may be imposed on aircraft of the territory referred to or the aircraft of the most favored country, engaged in international commerce, or on their passengers, goods and personnel.

## ARTICLE V

Exchange of regula-  
tions.

The regulations (together with any subsequent alterations therein) relative to air traffic in force in territory of either Party shall be communicated to the other Party.

## ARTICLE VI

Fuel and lubricants,  
exemption from cus-  
toms duty.

The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs duty, even though the fuel and lubricating oils so retained are used by the aircraft on a flight in that territory.

## ARTICLE VII

Availability of aero-  
dromes, services, etc.

Aerodromes open to public air traffic in territory of either Party shall, so far as they are under its control, be open to aircraft of the other Party, which (subject to the same proviso) will also be entitled to the assistance of the meteorological, radio, lighting and day and night signalling services at such aerodromes. Subject again to the same proviso, the scale of charges at such aerodromes for landing and accommodation shall be the same for aircraft of each of the Parties.

## ARTICLE VIII

"Air commerce" de-  
fined.

(a) The term "air commerce" as used in the succeeding paragraph of this article means:—Navigation of aircraft in territory of either Party in the conduct or furtherance of a business; and the commercial transport of passengers or goods between any two points in the territory of either Party.



(b) Air commerce may, in the territory of either Party, be reserved exclusively to its own aircraft. With the reservation of the stipulations contained in Article III concerning regular air routes or services for which special consent is necessary, the aircraft of either Party may, nevertheless, proceed from any aerodrome open to public air traffic in territory of the other Party to any other such aerodrome for the purpose of taking on board or landing the whole or part of their goods or passengers, provided that such goods are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey the starting place and end of which are not both points between which air commerce has been reserved; and such aircraft while so proceeding from one aerodrome to another shall, notwithstanding that both such aerodromes are points between which air commerce has been reserved, be entitled to the treatment set out in this arrangement.

Reservations permitted.

#### ARTICLE IX

(a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as possible to the other Party.

Restricted areas.

(b) In exceptional circumstances air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the aircraft of the other Party and the aircraft of any other foreign country.

(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected as soon as practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited areas by aircraft to which the special signal intended to draw their attention shall have been given.

Aircraft over prohibited areas.

#### ARTICLE X

(a) All aircraft of either Party flying in or over the territory of the other Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

Nationality and registration marks.

(b) Such aircraft must also be provided with certificates of registration and airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

Certificates of registration, etc.

(c) The persons employed on such aircraft who perform duties for which a certificate of competency or license is required in the ter-

Employees, certificates of competency, etc.

ritory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that territory.

(d) The other persons employed on board must carry documents showing their duties in the aircraft, their profession, identity and nationality.

Passenger lists,  
manifests, etc.

(e) Each of the Parties reserves the right to require lists of the passengers and persons employed on board as well as a manifest of the goods carried on the aircraft.

Validity of certificates.

(f) The certificate of airworthiness, certificates of competency or licenses issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country as the corresponding documents issued or rendered valid by the competent authorities of such other country; provided that with respect to certificates of competency or licenses issued or rendered valid by either country in favor of nationals of the other country, such recognition may be refused by the latter country.

## ARTICLE XI

Radio apparatus;  
license, regulations.

(a) Aircraft of either Party may, in or over the territory of the other Party, carry radio apparatus only if a license to install and work such apparatus, which license must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory flown over.

Use by licensed  
operators.

(b) Such apparatus may be used only by the personnel employed on board who are provided with a special license for the purpose, issued by the competent authorities of the territory in which the aircraft is registered.

Obligatory equip-  
ment.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio apparatus when in or over its territory.

## ARTICLE XII

Transportation of  
explosives, etc.

(a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

Carriage of rockets,  
etc.

(b) However, the carriage of accessories necessary to the operation and navigation of the aircraft, such as rockets, flares, and similar devices is not prohibited.

Photographic ap-  
paratus.

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the competent authorities of the territory flown over.

Restrictions for reasons of public order and safety.

(d) Each of the Parties reserves the right, for reasons of public order and safety, to limit or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a) of

this article, provided that no distinction is made in this respect between its national aircraft employed in international traffic and the aircraft of the other Party so employed.

### ARTICLE XIII

The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

Search and inspection.

### ARTICLE XIV

(a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and the entry and clearance of aircraft; and no intermediate landing other than a forced landing may be effected before arriving at such an airport on entry into the territory concerned or after leaving such an airport on departure from that territory. In special cases, and subject to the same provisions as to intermediate landing, the competent authorities may allow a first landing at or a departure from another aerodrome where the above-mentioned facilities have been arranged.

First landing and departure upon entering or leaving territory of other Party.

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to the point where the aircraft has crossed the frontier, with the understanding, however, that in this event, permission may be granted for the aircraft to make its first landing at an airport of entry other than the one nearest to the frontier.

(c) In the event of a forced landing or of a landing as provided in paragraph (c) of Article IX, not at an airport of the class mentioned in the preceding paragraph, the personnel employed on board and passengers must conform to the entry and clearance, customs, passport, quarantine and immigration regulations in force in the territory in which the landing occurs.

Forced landing.

(d) Lists of aerodromes in territory of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. Any subsequent alterations in these lists will also be communicated to such other Party.

Exchange of lists of aerodromes.

### ARTICLE XV

The competent authorities of either Party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party. Subject to any such requirement and to the provisions of this arrangement, aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

Flight restrictions.

## ARTICLE XVI

Unloading, etc., in flight; restriction.

No article or substance, other than ballast, may be unloaded or otherwise discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article ballast means fine sand or water only.

## ARTICLE XVII

Duration of arrangement.

(a) The present arrangement or any part thereof may be terminated by either Government at any time upon sixty days' notice given in writing to the other Government.

Designated arrangements to be supplanted.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted with the exception of the provisions of the latter arrangement which set forth the conditions governing the issuance of pilots' licenses and the acceptance of certificates of airworthiness for aircraft imported as merchandise.<sup>1</sup>

47 Stat. 2575.

Effective date.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.*

<sup>1</sup> The present arrangement, signed July 28, 1938, and effective August 1, 1938, relating to air navigation and two other arrangements between the United States of America and Canada, both also signed July 28, 1938, and effective August 1, 1938, one relating to certificates of competency or licenses for the piloting of civil aircraft (Executive Agreement Series No. 130, *post*, p. 1937) and the other relating to certificates of airworthiness for export (Executive Agreement Series No. 131, *post*, p. 1941), supplant in its entirety the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29 and October 22, 1929 (Executive Agreement Series No. 2, 47 Stat. 2575).

*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 175.

CANADIAN LEGATION  
*Washington, July 28th, 1938.*

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal air navigation arrangement between Canada and the United States of America, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

Agreement by Canada.

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF  
AMERICA RELATING TO AIR NAVIGATION.

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country in accordance with its requirements as to registration.

(b) The term "civil aircraft" shall for the purposes of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

ARTICLE II

The present arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

ARTICLE III

(a) Each of the Parties to the present arrangement shall grant, in time of peace, liberty of passage above its territory to aircraft of the other Party duly registered in the territory of such other Party, provided that the conditions set forth in the present arrangement are observed.

(b) It is, however, agreed that the establishment and operation by an enterprise of one of the Parties of a regular air route or service to, over or away from the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party.

(c) Any air transport enterprise of either Party applying for permission to operate such a route or service shall be required to submit its application through diplomatic channels.

ARTICLE IV

(a) The aircraft of each of the Parties, passengers and goods carried thereon and personnel employed on the aircraft, shall while within or over the territory of the other Party, be subject to the laws

in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning entry and clearance, immigration, passports, quarantine and customs.

(b) Subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the carriage of passengers and the import or export of any goods which may lawfully be imported or exported will be permitted in aircraft of either Party into or out of territory of the other Party; and (subject to the same proviso) such aircraft, passengers and goods carried thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same privileges as aircraft of such other Party and shall not, merely by reason of the nationality of the aircraft, be subjected to any other or higher duties or charges than those which are or may be imposed on aircraft of the territory referred to or the aircraft of the most favoured country, engaged in international commerce, or on their passengers, goods and personnel.

#### ARTICLE V

The regulations (together with any subsequent alterations therein) relative to air traffic in force in territory of either Party shall be communicated to the other Party.

#### ARTICLE VI

The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs duty, even though the fuel and lubricating oils so retained are used by the aircraft on a flight in that territory.

#### ARTICLE VII

Aerodromes open to public air traffic in territory of either Party shall, so far as they are under its control, be open to aircraft of the other Party, which (subject to the same proviso) will also be entitled to the assistance of the meteorological, radio, lighting and day and night signalling services at such aerodromes. Subject again to the same proviso, the scale of charges at such aerodromes for landing and accommodation shall be the same for aircraft of each of the Parties.

#### ARTICLE VIII

(a) The term "air commerce" as used in the succeeding paragraph of this article means:—Navigation of aircraft in territory of either Party in the conduct or furtherance of a business; and the commercial transport of passengers or goods between any two points in the territory of either Party.

(b) Air commerce may, in the territory of either Party, be reserved exclusively to its own aircraft. With the reservation of the stipulations contained in Article III concerning regular air routes or

services for which special consent is necessary, the aircraft of either Party may, nevertheless, proceed from any aerodrome open to public air traffic in territory of the other Party to any other such aerodrome for the purpose of taking on board or landing the whole or part of their goods or passengers, provided that such goods are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey the starting place and end of which are not both points between which air commerce has been reserved; and such aircraft while so proceeding from one aerodrome to another shall, notwithstanding that both such aerodromes are points between which air commerce has been reserved, be entitled to the treatment set out in this arrangement.

#### ARTICLE IX

(a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as possible to the other Party.

(b) In exceptional circumstances air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the aircraft of the other Party and the aircraft of any other foreign country.

(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected as soon as practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited areas by aircraft to which the special signal intended to draw their attention shall have been given.

#### ARTICLE X

(a) All aircraft of either Party flying in or over the territory of the other Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

(b) Such aircraft must also be provided with certificates of registration and airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

(c) The persons employed on such aircraft who perform duties for which a certificate of competency or license is required in the territory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that territory.

(d) The other persons employed on board must carry documents showing their duties in the aircraft, their profession, identity and nationality.

(e) Each of the Parties reserves the right to require lists of the passengers and persons employed on board as well as a manifest of the goods carried on the aircraft.

(f) The certificate of airworthiness, certificates of competency or licenses issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country as the corresponding documents issued or rendered valid by the competent authorities of such other country; provided that with respect to certificates of competency or licenses issued or rendered valid by either country in favour of nationals of the other country, such recognition may be refused by the latter country.

#### ARTICLE XI

(a) Aircraft of either Party may, in or over the territory of the other Party, carry radio apparatus only if a license to install and work such apparatus, which license must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory flown over.

(b) Such apparatus may be used only by the personnel employed on board who are provided with a special license for the purpose, issued by the competent authorities of the territory in which the aircraft is registered.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio apparatus when in or over its territory.

#### ARTICLE XII

(a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

(b) However, the carriage of accessories necessary to the operation and navigation of the aircraft, such as rockets, flares, and similar devices is not prohibited.

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the competent authorities of the territory flown over.

(d) Each of the Parties reserves the right, for reasons of public order and safety, to limit or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a) of this article, provided that no distinction is made in this respect between its national aircraft employed in international traffic and the aircraft of the other Party so employed.



## ARTICLE XIII

The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

## ARTICLE XIV

(a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and the entry and clearance of aircraft; and no intermediate landing other than a forced landing may be effected before arriving at such an airport on entry into the territory concerned or after leaving such an airport on departure from that territory. In special cases, and subject to the same provisions as to intermediate landing, the competent authorities may allow a first landing at or a departure from another aerodrome where the above-mentioned facilities have been arranged.

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to the point where the aircraft has crossed the frontier, with the understanding, however, that in this event, permission may be granted for the aircraft to make its first landing at an airport of entry other than the one nearest to the frontier.

(c) In the event of a forced landing or of a landing as provided in paragraph (c) of Article IX, not at an airport of the class mentioned in the preceding paragraph, the personnel employed on board and passengers must conform to the entry and clearance, customs, passport, quarantine and immigration regulations in force in the territory in which the landing occurs.

(d) Lists of aerodromes in territory of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. Any subsequent alterations in these lists will also be communicated to such other Party.

## ARTICLE XV

The competent authorities of either Party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party. Subject to any such requirement and to the provisions of this arrangement, aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

## ARTICLE XVI

No article or substance, other than ballast, may be unloaded or otherwise discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article ballast means fine sand or water only.

## ARTICLE XVII

(a) The present arrangement or any part thereof may be terminated by either Government at any time upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted with the exception of the provisions of the latter arrangement which set forth the conditions governing the issuance of pilots' licenses and the acceptance of certificates of airworthiness for aircraft imported as merchandise.<sup>1</sup>

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M MARLER

The Honourable CORDELL HULL,

*Secretary of State of the United States,*

*Washington, D. C.*

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<sup>1</sup> See footnote, *ante*, p. 1930.

*Arrangement between the United States of America and Canada relating to issue of certificates of competency or licenses for the piloting of civil aircraft. Effected by exchange of notes signed July 28, 1938; effective August 1, 1938.*

July 28, 1938  
[E. A. S. No. 130]

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE  
Washington, July 28, 1938

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

Reciprocal arrangement with Canada for the issuance of licenses, etc., for piloting of civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPETENCY OR LICENSES FOR THE PILOTING OF CIVIL AIRCRAFT.

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

Scope of arrangements.

(b) The term "civil aircraft" shall for the purpose of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

"Civil aircraft" defined.

(c) Either country issuing certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for non-commercial purposes.

Operation for non-commercial purposes.

ARTICLE II

Pursuant to the provisions of Article I, the competent United States authorities will issue pilot certificates of competency or licenses to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licenses.

Issue of certificates or licenses.  
By United States.

## ARTICLE III

By Canada.

Pursuant to the provisions of Article I, the competent Canadian authorities will issue pilot certificates of competency or licenses to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licenses.

## ARTICLE IV

Privileges accorded.  
By United States.

Subject to the provisions of Articles I and II, pilot certificates of competency or licenses issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of the United States.

## ARTICLE V

By Canada.

Subject to the provisions of Articles I and III, pilot certificates of competency or licenses issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of Canada.

## ARTICLE VI

Duration.

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

Designated arrangements to be supplanted.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licenses to nationals of the other country.<sup>1</sup>

47 Stat. 2575.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is sug-

<sup>1</sup> The present arrangement, signed July 28, 1938, and effective August 1, 1938, relating to certificates of competency or licenses for the piloting of civil aircraft and two other arrangements between the United States of America and Canada, both also signed July 28, 1938, and effective August 1, 1938, one relating to air navigation (Executive Agreement Series No. 129, *ante*, p. 1925) and the other relating to certificates of airworthiness for export (Executive Agreement Series No. 131, *post*, p. 1941), supplant in its entirety the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29 and October 22, 1929 (Executive Agreement Series No. 2, 47 Stat. 2575).

gested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Effective date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,  
*Minister of Canada.*

*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 176.

CANADIAN LEGATION  
*Washington, July 28th, 1938.*

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

Agreement by  
Canada.

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF  
AMERICA RELATING TO THE ISSUANCE OF CERTIFICATES OF COM-  
PETENCY OR LICENSES FOR THE PILOTING OF CIVIL AIRCRAFT.

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

(c) Either country issuing certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for non-commercial purposes.

ARTICLE II

Pursuant to the provisions of Article I, the competent United States authorities will issue pilot certificates of competency or licenses to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licenses.

## ARTICLE III

Pursuant to the provisions of Article I, the competent Canadian authorities will issue pilot certificates of competency or licenses to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licenses.

## ARTICLE IV

Subject to the provisions of Articles I and II, pilot certificates of competency or licenses issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of the United States.

## ARTICLE V

Subject to the provisions of Articles I and III, pilot certificates of competency or licenses issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of Canada.

## ARTICLE VI

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licenses to nationals of the other country.<sup>1</sup>

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir  
Your most obedient humble servant

HERBERT M MARLER

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

<sup>1</sup> See footnote, *ante*, p. 1938.

*Arrangement between the United States of America and Canada for the acceptance of certificates of airworthiness for export. Effected by exchange of notes signed July 28, 1938; effective August 1, 1938.*

July 28, 1938  
[E. A. S. No. 131]

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE  
Washington, July 28, 1938

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the acceptance of certificates of airworthiness for export.

Reciprocal arrangement with Canada for the acceptance of certificates of airworthiness for export.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

# ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO CERTIFICATES OF AIRWORTHINESS FOR EXPORT.

## ARTICLE I

(a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

Application.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

## ARTICLE II

The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

Recognition of validity.  
By United States.

## ARTICLE III

The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

By Canada.

## ARTICLE IV

Notice of modifications.  
By United States.

(a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

## ARTICLE V

By Canada.

(a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

## ARTICLE VI

Special conditions.

(a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

Exchange of information concerning regulations.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.



## ARTICLE VII

The question of procedure to be followed in the application of the provisions of the present arrangement shall be the subject of direct correspondence, whenever necessary, between the competent United States and Canadian authorities.

Procedure.

## ARTICLE VIII

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

Duration of arrangement.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.<sup>1</sup>

Designated arrangements to be supplanted.

47 Stat. 2575.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Effective date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.**The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 177.

CANADIAN LEGATION

*Washington, July 28th, 1938.*

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America

Agreement by Canada.

<sup>1</sup> The present arrangement, signed July 28, 1938, and effective August 1, 1938, relating to certificates of airworthiness for export and two other arrangements between the United States of America and Canada, both also signed July 28, 1938, and effective August 1, 1938, one relating to air navigation (Executive Agreement Series No. 129, *ante*, p. 1925) and the other relating to certificates of competency or licenses for the piloting of civil aircraft (Executive Agreement Series No. 130, *ante*, p. 1937), supplant in its entirety the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29 and October 22, 1929 (Executive Agreement Series No. 2, 47 Stat. 2575).

for the acceptance of certificates of airworthiness for export, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF  
AMERICA RELATING TO CERTIFICATES OF AIRWORTHINESS FOR  
EXPORT.

ARTICLE I

(a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

ARTICLE II

The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

ARTICLE III

The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

ARTICLE IV

(a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of

this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

#### ARTICLE V

(a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with noncompulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

#### ARTICLE VI

(a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

#### ARTICLE VII

The question of procedure to be followed in the application of the provisions of the present arrangement shall be the subject of direct correspondence, whenever necessary, between the competent United States and Canadian authorities.

#### ARTICLE VIII

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each

country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.<sup>1</sup>

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M MARLER

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

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<sup>1</sup> See footnote, *ante*, p. 1943.

*Agreement between the United States of America and the Union of Soviet Socialist Republics continuing in force until August 6, 1939, the agreement of August 4, 1937, regarding commercial relations; and related notes. Effected by exchange of notes signed at Moscow August 5, 1938; approved by the Council of People's Commissars of the Union of Soviet Socialist Republics August 5, 1938; proclaimed by the President of the United States August 5, 1938; effective August 6, 1938.*

August 5, 1938  
[E. A. S. No. 132]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION.

WHEREAS, by my authority, the Chargé d'Affaires ad interim of the United States of America at Moscow exchanged at that capital on August 5, 1938, with the authorized representative of the Union of Soviet Socialist Republics identic notes, constituting an agreement in regard to commerce between the United States of America and the Union of Soviet Socialist Republics and the continuance of favorable commercial relations between the two countries, the texts of which notes are word for word as follows:

Continuance of agreement regarding commercial relations with the Union of Soviet Socialist Republics.

Moscow, August 5, 1938.

Texts of notes.

#### EXCELLENCY:

In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the United States of America and the Union of Soviet Socialist Republics recorded in the exchange of notes between the American Ambassador and the People's Commissar for Foreign Affairs on August 4, 1937, which came into force on August 6, 1937, upon proclamation thereof on that date by the President of the United States of America and approval thereof by the Council of People's Commissars of the Union of Soviet Socialist Republics on the same date, shall continue in force until August 6, 1939. This agreement shall be proclaimed by the President of the United States of America and approved by the Council of People's Commissars of the Union of Soviet Socialist Republics.

50 Stat 1619.

Accept, Excellency, the renewed assurances of my highest consideration.

A. C. KIRK  
*Chargé d'Affaires ad interim*  
*of the United States of America*

His Excellency

MAXIM LITVINOFF

*People's Commissar for Foreign Affairs,*  
*Moscow.*

Moscow, August 5th 1938

**MR. CHARGÉ D'AFFAIRES:**

Confirmation by  
Union of Soviet So-  
cialist Republics.

In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the Union of Soviet Socialist Republics and the United States of America recorded in the exchange of notes between the People's Commissar for Foreign Affairs and the American Ambassador on August 4, 1937, which came into force on August 6, 1937, upon approval thereof on that date by the Council of People's Commissars of the Union of Soviet Socialist Republics and proclamation thereof by the President of the United States of America on the same date, shall continue in force until August 6, 1939. This agreement shall be approved by the Council of People's Commissars of the Union of Soviet Socialist Republics and proclaimed by the President of the United States of America.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

M. LITVINOFF

MR. ALEXANDER C. KIRK,

*Chargé d'Affaires ad interim  
of the United States of America,  
Moscow.*

AND WHEREAS, it is provided in the said agreement that the agreement shall be proclaimed by the President of the United States of America and approved by the Council of People's Commissars of the Union of Soviet Socialist Republics:

Proclamation.

NOW, THEREFORE, BE IT KNOWN THAT I, Franklin D. Roosevelt, President of the United States of America, do hereby make known and proclaim the said agreement and, having been notified that the same has been approved on this day by the Council of People's Commissars of the Union of Soviet Socialist Republics, direct that it be observed and fulfilled with good faith by the United States of America on and after August 6, 1938.

Entry into force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifth day of August in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

By the President:

CORDELL HULL

*Secretary of State.*

FRANKLIN D ROOSEVELT

## RELATED NOTES

1. CONCERNING THE AMOUNT OF PURCHASES TO BE MADE BY THE UNION  
OF SOVIET SOCIALIST REPUBLICS IN THE UNITED STATES OF AMERICA

Amount of pur-  
chases by Union of  
Soviet Socialist Re-  
publics in United  
States.

*The American Chargé d'Affaires ad interim (Kirk) to the People's  
Commissar for Foreign Affairs (Litvinoff)*

EMBASSY OF THE UNITED STATES OF AMERICA,  
*Moscow, August 2, 1938.*

## EXCELLENCY:

I have the honor to refer to our recent conversations in regard to the commerce between the United States of America and the Union of Soviet Socialist Republics and to ask you to let me know the value of articles, the growth, produce, or manufacture of the United States of America which the Government of the Union of Soviet Socialist Republics intends to purchase in the United States of America during the next twelve months for export to the Union of Soviet Socialist Republics.

Accept, Excellency, the renewed assurances of my highest consideration.

A. C. KIRK  
*Chargé d'Affaires ad interim  
of the United States of America*

His Excellency  
MAXIM LITVINOFF,  
*People's Commissar for Foreign Affairs,  
Moscow.*

*The People's Commissar for Foreign Affairs (Litvinoff) to the  
American Chargé d'Affaires ad interim (Kirk)*

*Moscow, August "4", 1938.*

## MR. CHARGE D'AFFAIRES:

In reply to your inquiry regarding the intended purchases by the Union of Soviet Socialist Republics in the United States of America in the course of the next twelve months, I have the honor to inform you that, according to information received by me from the People's Commissariat for Foreign Trade, the economic organisations of the Union of Soviet Socialist Republics intend to buy in the United States of America in the course of the next twelve months American goods to the amount of at least forty million dollars.

Accept, Mr. Charge d'Affaires, the renewed assurances of my highest consideration.

MR. ALEXANDER C. KIRK,  
*Charge d'Affaires ad interim  
of the United States of America.  
Moscow.*

M. LITVINOFF

Exemption from excise tax of coal, etc., from the Union of Soviet Socialist Republics.

2. EXEMPTION FROM EXCISE TAX OF COAL, COKE, AND COAL OR COKE BRIQUETTES IMPORTED INTO THE UNITED STATES FROM THE UNION OF SOVIET SOCIALIST REPUBLICS

*The American Chargé d'Affaires ad interim (Kirk) to the People's Commissar for Foreign Affairs (Litvinoff)*

EMBASSY OF THE UNITED STATES OF AMERICA,  
Moscow, August 5, 1938.

EXCELLENCY:

With reference to the agreement signed today continuing the agreement concerning commerce between the United States of America and the Union of Soviet Socialist Republics which came into force on August 6, 1937, I have the honor to state that the Embassy has been informed that the authorities of the Treasury Department of the United States will admit coal of all sizes, grades, and classifications (except culm and duff), coke manufactured therefrom, and coal or coke briquettes, imported from the Union of Soviet Socialist Republics free from the import tax provided in Section 601 (c) (5) of the Revenue Act of 1932, as amended, during the life of the agreement unless other treatment is required by controlling judicial decision hereafter rendered.

Accept, Excellency, the renewed assurances of my highest consideration.

A. C. KIRK  
*Chargé d'Affaires ad interim*  
*of the United States of America*

His Excellency  
MAXIM LITVINOFF,  
*People's Commissar for Foreign Affairs,*  
*Moscow.*

*The People's Commissar for Foreign Affairs (Litvinoff) to the American Chargé d'Affaires ad interim (Kirk)*

Moscow, August "5", 1938.

DEAR MR. CHARGE D'AFFAIRES:

In reply to your inquiry regarding the intended exports of Soviet coal to the United States during the ensuing twelve months, I may state that, according to information received by me from the People's Commissariat for Foreign Trade, the economic organisations of the Union of Soviet Socialist Republics will not in any case export to the United States during the year beginning August 6, 1938, more than 400,000 tons of Soviet coal.

Sincerely yours

M. LITVINOFF

MR. ALEXANDER C. KIRK,  
*Charge d'Affaires ad interim*  
*of the United States of America,*  
*Moscow.*



*Agreement between the United States of America and Ecuador respecting reciprocal trade. Signed at Quito August 6, 1938; proclaimed by the Supreme Chief of the Republic of Ecuador August 6, 1938; proclaimed by the President of the United States September 23, 1938; effective October 23, 1938.*

August 6, 1938  
[E. A. S. No. 133]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Reciprocal trade  
agreement with Ecu-  
ador.  
48 Stat. 943; 50  
Stat. 24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

Statutory provi-  
sions.

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to

articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

Promotion of foreign trade.

48 Stat. 943; 50 Stat. 24.  
10 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

Notice given.

Trade Agreement entered into.

Post, pp. 1968, 1974.

Purposes declared.

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the Republic of Ecuador are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a foreign trade agreement between the United States of America and the Republic of Ecuador;

WHEREAS reasonable public notice of the intention to negotiate such foreign trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a foreign Trade Agreement on August 6, 1938, through my duly empowered Plenipotentiary, with the Supreme Chief of the Republic of Ecuador, through his duly empowered Plenipotentiary, which Agreement, including two Schedules annexed thereto, as amended by notes exchanged at Quito on August 6, 1938, September 9, 1938, and September 13, 1938, by my Plenipotentiary and the Plenipotentiaries of the Supreme Chief of the Republic of Ecuador, in the English and Spanish languages, is in words and figures as follows:

The President of the United States of America and the Supreme Chief of the Republic of Ecuador, being desirous of strengthening the traditional bonds of friendship between the two countries by maintaining the principle of equality of treatment as the basis of commercial relations and by granting mutual and reciprocal

El Presidente de los Estados Unidos de América y el Jefe Supremo de la República del Ecuador, deseosos de estrechar los vínculos tradicionales de amistad entre los dos países, mediante el mantenimiento del principio de igualdad de tratamiento como base de sus relaciones comerciales y el otorgamiento de concesiones y

concessions and advantages for the promotion of trade, have through their respective Plenipotentiaries arrived at the following Agreement:

## ARTICLE I.

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I annexed to this Agreement and made a part thereof, shall, on their importation into the Republic of Ecuador, be exempt from ordinary customs duties in excess of those set forth in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the Republic of Ecuador in force on the day of the signature of this Agreement.

## ARTICLE II.

Articles the growth, produce or manufacture of the Republic of Ecuador, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day

## ARTICULO I.

Los artículos cosechados, producidos o manufacturados en los Estados Unidos de América, enumerados y descritos en la Lista I, anexa a este Convenio, y del cual forma parte, serán eximidos al ser importados en la República del Ecuador de los derechos ordinarios de aduana que excedan a los especificados en dicha Lista. Tales artículos estarán asimismo exentos de todo otro derecho, impuesto, contribución, carga o exacción establecidos sobre la importación o en relación con ella, que exceda de los estipulados en el día de la firma de este Convenio, o cuya imposición posterior fuere exigida por leyes de la República del Ecuador en vigor el día de la firma de este Convenio.

## ARTICULO II.

Los artículos cosechados, producidos o manufacturados en la República del Ecuador, enumerados y descritos en la Lista II, anexa a este Convenio, y del cual forma parte, serán eximidos al ser importados en los Estados Unidos de América, de los derechos ordinarios de aduana que excedan a los incluidos y especificados en dicha Lista. Tales artículos estarán asimismo exentos de todo otro derecho, impuesto, contribución, carga o exacción establecidos sobre la importación o en relación con ella, que exceda de los estipulados

Enumerated imports into Ecuador; customs duties.

*Post*, p. 1968.

Exemption from excess duties, etc.

Enumerated imports into U. S. A.; customs duties.

*Post*, p. 1974.

Exemption from excess duties, etc.

of the signature of this Agreement or required to be imposed there-  
after under laws of the United States of America in force on the day of the signature of this Agreement.

en el día de la firma de este Convenio, o cuya imposición posterior fuere exigida por leyes de los Estados Unidos de América en vigor el día de la firma de este Convenio.

## ARTICLE III.

## ARTICULO III.

Imposition of charges on importation.

The provisions of Articles I and II of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any product a charge equivalent to an internal tax imposed in respect of a like domestic product or in respect of a commodity from which the imported product has been manufactured or produced in whole or in part.

Las disposiciones de los Artículos I y II de este Convenio no impedirán el que el Gobierno de uno o del otro país estableciere en cualquier tiempo, sobre la importación de cualquier producto, un gravamen equivalente a un impuesto interno establecido con respecto a un producto nacional análogo o con respecto a un producto del cual el artículo importado haya sido manufacturado o producido en todo o en parte.

## ARTICLE IV.

## ARTICULO IV.

Notes in schedules considered parts of Agreement.

Post, pp. 1968, 1974.

The United States of America and the Republic of Ecuador agree that the notes included in Schedules I and II are hereby given force and effect as integral parts of this Agreement.

Los Estados Unidos de América y la República del Ecuador convienen en que a las notas incluidas en las Listas I y II se les dé por este Convenio fuerza y efecto como partes integrantes del mismo.

## ARTICLE V.

## ARTICULO V.

Exemption from discriminatory internal taxes, etc.

Articles the growth, produce or manufacture of the United States of America or the Republic of Ecuador, shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other foreign origin.

Los artículos cosechados, producidos o manufacturados en los Estados Unidos de América o en la República del Ecuador, estarán, después de su importación en el otro país, exentos de cualesquiera impuestos, contribuciones, cargas o exacciones internos, diferentes o en exceso a los exigibles sobre artículos análogos de origen nacional o de cualquier otro origen extranjero.

## ARTICLE VI.

## ARTICULO VI.

Ad valorem duties. Determination of dutiable value, etc.

In respect of articles the growth, produce or manufacture of the

Con respecto a los artículos cosechados, producidos o manu-

United States of America or the Republic of Ecuador, enumerated and described in Schedules I and II, respectively, imported into the other country, on which *ad valorem* rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, it is understood and agreed that the bases and methods of determining dutiable value and of converting currencies shall be no less favorable to importers than the bases and methods prescribed under laws and regulations of the Republic of Ecuador and the United States of America, respectively, in force on the day of the signature of this Agreement.

facturados en los Estados Unidos de América o en la República del Ecuador, enumerados y descritos en las Listas I y II, respectivamente, importados al otro país, sobre los cuales se imponen o se impusieren derechos *ad valorem* o derechos basados sobre el valor o determinados, de cualquier manera, por él, se entiende y conviene que las bases y los métodos para determinar el valor sujeto a derechos aduaneros y para convertir las monedas, no serán menos favorables a los importadores que las bases y los métodos prescritos según las leyes y reglamentos de la República del Ecuador y de los Estados Unidos de América, respectivamente, vigentes el día de la firma de este Convenio.

*Post*, pp. 1968, 1974.

## ARTICLE VII.

## ARTICULO VII.

No prohibitions, import or customs quotas, import licenses, or any other form of quantitative regulation, whether or not operated in connection with any agency of centralized control, shall be imposed by the Republic of Ecuador on the importation or sale of any article the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, or by the United States of America on the importation or sale of any article the growth, produce or manufacture of the Republic of Ecuador enumerated and described in Schedule II, except as otherwise specifically provided for in the said Schedules.

Ninguna prohibición, cuota aduanera o de importación, permiso de importar o cualquier otra forma de restricción cuantitativa, sea que se opere o no en relación con cualquier agencia de control centralizada, será impuesta por la República del Ecuador sobre la importación o venta de cualquier artículo cosechado, producido o manufacturado en los Estados Unidos de América, enumerado y descrito en la Lista I, ni por los Estados Unidos de América sobre la importación o venta de cualquier artículo cosechado, producido o manufacturado en la República del Ecuador, enumerado y descrito en la Lista II, excepto en cuanto se disponga específicamente en sentido contrario en dichas Listas.

Restriction on quantitative regulation.

*Post*, p. 1968.

*Post*, p. 1974.

## Exceptions.

The foregoing provision shall not apply to quantitative restrictions in whatever form imposed by the United States of America or the Republic of Ecuador on the importation or sale of any article the growth, produce or manufacture of the other country, in conjunction with governmental measures operating to regulate or control the production, market supply or prices of like domestic articles, or tending to increase the labor costs of production of such articles, or imposed in order to maintain the exchange value of the currency of the country.

Notice of proposed restriction.

Whenever the Government of either country proposes to establish or change any restriction authorized by this paragraph, it shall give notice thereof in writing to the other Government and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposed to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice.

La disposición precedente no será aplicable a restricciones cuantitativas en cualquier forma, impuestas por los Estados Unidos de América o por la República del Ecuador sobre la importación o venta de cualquier artículo cosechado, producido o manufacturado en el otro país, relacionadas con las medidas gubernativas destinadas a regir o controlar la producción, el abastecimiento del mercado o los precios de artículos nacionales análogos o tendientes a aumentar el costo de la mano de obra de la producción de tales artículos o impuestas para mantener el valor de cambio de la moneda nacional. Cuando el Gobierno de cualquiera de los dos países propusiere establecer o modificar cualquier restricción autorizada por este inciso, dará aviso de ello por escrito al otro Gobierno, y proporcionará a éste la oportunidad de consultar con aquél respecto a la acción proyectada, dentro de treinta días después del recibo de tal aviso; y si no se llegare a un acuerdo con respecto a esa acción proyectada, dentro de treinta días después del recibo del susodicho aviso, el Gobierno que proponga tomar tal acción estará en libertad de llevarla a cabo en cualquier momento posterior y el otro Gobierno estará en libertad, dentro de quince días después de tomada tal acción, de dar por terminado en su totalidad este Convenio, dando aviso por escrito con treinta días de anticipación.

## ARTICLE VIII.

## ARTICULO VIII.

Action where quantitative restriction established or lower rate imposed on portion of imports, etc.

1. If the Government of the United States of America or the Government of the Republic of

1.-En caso de que el Gobierno de los Estados Unidos de América o el de la República del Ecuador

Ecuador establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower import duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, the Government taking any action shall:

(a) Give public notice of the total quantity, or any change therein, of any such article permitted to be imported or sold or permitted to be imported or sold at such lower duty or charge, during a specified period;

(b) Allot to the other country for such specified period a share of such total quantity as originally established or subsequently changed in any manner equivalent to the proportion of the total importation of such article which such other country supplied during a previous representative period, unless it is mutually agreed to dispense with such allotment; and

(c) Give public notice of the allotments of such quantity among the several exporting countries, and at all times upon request advise the Government of the other country of the quantity of any such article the growth, produce or manufacture of each exporting country which has been imported or sold or for which licenses or permits for importation or sale have been granted.

2. Neither the United States of America nor the Republic of Ecuador shall regulate the total quantity of importations into its

estableciere o mantuviere cualquier forma de restricción cuantitativa o de control de la importación o venta de cualquier artículo en el cual tenga interés el otro país, o impusiere sobre la importación o venta de un artículo en determinada cantidad una tarifa o gravamen más bajo que los establecidos sobre importaciones en exceso de tal cantidad, el Gobierno que así proceda deberá:

(a).—Dar aviso público de la cantidad total, o de cualquier cambio introducido, de cualquiera de dichos artículos, cuya importación o venta sea permitida o los cuales puedan ser importados o vendidos al mencionado tipo reducido de tarifa o gravamen, durante un período determinado;

(b).—Asignar al otro país, durante tal período especificado, una porción de la cantidad total fijada al principio o subsiguientemente alterada en cualquier forma, equivalente a la proporción de la importación total de dicho artículo que el otro país haya abastecido durante un período anterior representativo, a menos que se acuerde mutuamente prescindir de tal asignación; y

(c).—Dar aviso público de las asignaciones de tal cantidad entre los diferentes países exportadores, y en todo tiempo, mediante solicitud, informar al Gobierno del otro país la cantidad de tal artículo, cosechado, producido o manufacturado en cada país exportador, que haya sido importada o vendida, o para el cual se haya concedido licencia o permiso de importación o venta.

2.—Ni los Estados Unidos de América ni la República del Ecuador regulará la cantidad de importaciones totales a su territorio, o

Import licenses, etc.

territory or sales therein of any article in which the other country has an interest, by import licenses or permits issued to individuals or organizations, unless the total quantity of such article permitted to be imported or sold, during a quota period of not less than three months, shall have been established, and unless the regulations covering the issuance of such licenses or permits shall have been made public before such regulations are put into force.

ventas en el mismo, de cualquier artículo en el cual tenga interés el otro país, por medio de licencias o permisos de importación otorgados a individuos u organizaciones, a menos que haya sido fijada la cantidad total del artículo cuya venta o importación pueda permitirse durante un período de cuota no menor de tres meses, y a menos que los reglamentos que rijan el otorgamiento de dichas licencias o permisos hayan sido publicados antes de haber sido puestos en vigor.

#### ARTICLE IX.

#### ARTICULO IX.

Purchases by Government monopolies, etc.

In the event that the Government of the United States of America or the Government of the Republic of Ecuador establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

En caso de que el Gobierno de los Estados Unidos de América o el de la República del Ecuador estableciere o mantuviere un monopolio para la importación, producción o venta de cierto artículo o concediere privilegios exclusivos en forma legal o de hecho a una o más agencias, para importar, producir o vender cierto artículo, el Gobierno del país que estableciere o mantuviere dicho monopolio o que concediere tales privilegios exclusivos, conviene en que en lo que respecta a las compras en el exterior de tal monopolio o agencia, el comercio del otro país deberá recibir un tratamiento justo y equitativo. Al efecto, se conviene en que al hacer sus compras de cualquier producto en el Exterior, tal monopolio o agencia se regirá, solamente por consideraciones tales como precio, calidad y posibilidades y condiciones de venta que ordinariamente serían tomadas en cuenta por una empresa comercial privada interesada únicamente en comprar tal producto bajo las condiciones más favorables.



## ARTICLE X.

## ARTICULO X.

In the event that the Government of the United States of America or the Government of the Republic of Ecuador establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

En caso de que el Gobierno de los Estados Unidos de América o el Gobierno de la República del Ecuador estableciere o mantuviere, directa o indirectamente, cualquier sistema de control de los medios de pago internacional, en la administración de tal control:

Control of means of international payment.

(a) Impose no prohibition, restriction, nor delay on the transfer of payment for imported articles the growth, produce, or manufacture of the other country, or of payments necessary for and incidental to the importation of such articles;

(a).—No impondrá prohibición, restricción ni demora a la transferencia de fondos en pago de artículos importados que hayan sido cosechados, producidos o manufacturados en el otro país, ni a la transferencia de fondos en pago de los gastos necesarios a y relacionados con la importación de tales artículos;

Transfer of payment for imports.

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce, or manufacture of any third country; and

(b).—Otorgará incondicionalmente, con relación a los tipos de cambio y los impuestos o sobrecargas afectando a las transacciones de cambio con respecto a pagos para o pagos necesarios a y relacionados con la importación de artículos cosechados, producidos o manufacturados en el otro país, tratamiento no menos favorable que el que otorgue con respecto a la importación de cualquier artículo cosechado, producido o manufacturado en cualquier otro país; y

Rates of exchange, etc.

(c) Accord unconditionally, with respect to all rules and formalities applying to exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation

(c).—Otorgará incondicionalmente, con respecto a todas las reglas y formalidades exigidas en las transacciones de cambio con respecto a pagos para o pagos necesarios a y relacionados con la importación de artículos cosechados, producidos o manufacturados en el otro país, tratamiento no menos favorable que el que otorgue con respecto a la im-

Exchange transactions.

of the like articles the growth, produce, or manufacture of any third country.

Mutual consideration of representations with respect to application of Article.

In the event that the Government of either country shall make representations concerning the application by the Government of the other country of the provisions of this Article, the Government of such other country shall give sympathetic consideration to such representations, and if, within thirty days after the receipt of such representations, a satisfactory adjustment has not been made or an agreement has not been reached with respect to such representations, the Government making them may, within fifteen days after the expiration of the aforesaid period of thirty days, terminate this Agreement on thirty days' written notice.

portación de análogos artículos cosechados, producidos o manufacturados en cualquier otro país.

En caso de que el Gobierno de uno u otro país hiciera representaciones con respecto a la aplicación por el Gobierno del otro país de las disposiciones de este Artículo, el Gobierno del otro país prestará consideración amistosa a tales representaciones, y si dentro de treinta días después de recibidas tales representaciones no se ha hecho un ajuste satisfactorio, o no se ha llegado a un arreglo, con respecto a tales representaciones, el Gobierno que las haga, puede, dentro de quince días después de la expiración del periodo antedicho de treinta días, dar por terminado este Convenio, previo aviso por escrito, con treinta días de anticipación.

#### ARTICLE XI.

Extension of advantages, etc., granted any other country.

With respect to customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or the Republic of Ecuador to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the

#### ARTICULO XI.

Con respecto a los derechos aduaneros o a las cargas de cualquier clase impuestas sobre la importación o exportación o en relación con las mismas, y con respecto al método de imponer tales derechos o cargas, y con respecto a todas las reglas y formalidades en relación con la importación o la exportación, y con respecto a todas las leyes o disposiciones que afectaren la venta, tributación o el uso dentro del país de las mercancías importadas, cualquier ventaja, favor, privilegio o inmunidad que se haya otorgado o que en lo sucesivo se otorgue por los Estados Unidos de América or por la República del Ecuador a cualquier artículo que tenga su origen en o se destine a cualquier tercer país, se otorgará

Republic of Ecuador or the United States of America, respectively. inmediata e incondicionalmente al artículo análogo que tenga su origen en o se destine a la República del Ecuador o a los Estados Unidos de América, respectivamente.

## ARTICLE XII.

## ARTICULO XII.

Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of the United States of America or the Republic of Ecuador, respectively, pertaining to the classification of articles for customs purposes or to rates of duty shall be published promptly in such a manner as to enable traders to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of the respective country, except as otherwise specifically provided in statutes of the United States of America relating to articles imported into Puerto Rico.

Las leyes, reglamentos de autoridades administrativas y resoluciones de autoridades judiciales o administrativas de los Estados Unidos de América o de la República del Ecuador, respectivamente, concerniente a la clasificación de artículos para fines aduaneros o a aforos arancelarios, deberán ser publicadas con prontitud y en manera tal que los comerciantes puedan enterarse de ellas. Dichas leyes, reglamentos y resoluciones deberán ser aplicados con uniformidad en todos los puertos del país respectivo, excepto como se haya estipulado expresamente de manera contraria en estatutos de los Estados Unidos de América relativa a artículos importados en Puerto Rico.

Publication of laws, regulations, and decisions.

Uniform application.

No administrative ruling by the United States of America or the Republic of Ecuador effecting advances in rates of duties or in charges applicable under an established and uniform practice to imports originating in the territory of the other country, or imposing any new requirement with respect to such importations, shall be effective retroactively or with respect to articles either entered for or withdrawn for consumption prior to the expiration of thirty days after the date of publication of notice of such ruling in the usual official manner. The provisions of this paragraph do not apply to

Ninguna disposición administrativa de los Estados Unidos de América o de la República del Ecuador, que produzca un aumento de los aforos o gravámenes aplicables en virtud de una práctica establecida y uniforme a las importaciones originarias del otro país, o que imponga cualquier nuevo requisito con respecto a tales importaciones, podrá tener efecto retroactivo ni deberá ser aplicable a artículos que hayan sido registrados en o sacados de las aduanas para consumo dentro de los treinta días siguientes a la fecha de publicación de tal disposición, en la forma oficial acostumbrada. Las

Administrative rulings, etc.  
Restriction on retroactive application.

Anti-dumping duties, etc.

administrative orders imposing anti-dumping duties, or relating to regulations for the protection of human, animal, or plant life, or relating to public safety, or giving effect to judicial decisions.

disposiciones de este párrafo no son aplicables a las órdenes administrativas que impongan derechos contra "dumping" o relativas a reglamentos para la protección de la vida humana, animal o vegetal, o relativas a la seguridad pública, o para hacer cumplir resoluciones judiciales.

### ARTICLE XIII.

### ARTICULO XIII.

Modification or termination where rate of exchange prejudicial.

In the event that the rate of exchange between the currencies of the United States of America and the Republic of Ecuador varies considerably from the rate obtaining on the day of the signature of this Agreement, the Government of either country, if it considers the change in rate so substantial as to prejudice the industry or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or to terminate this Agreement in its entirety on thirty days' written notice.

En caso de que el tipo de cambio entre las monedas de los Estados Unidos de América y de la República del Ecuador varíe considerablemente del tipo de cambio vigente en el día de la firma de este Convenio, el Gobierno de uno o del otro país que considere la diferencia tan substancial que perjudique las industrias o el comercio de su país, estará en libertad de proponer negociaciones para la modificación de este Convenio o de dar por terminado este Convenio en su totalidad, dando aviso por escrito con treinta días de anticipación.

### ARTICLE XIV.

### ARTICULO XIV.

Errors in documentation.

Greater than nominal penalties will not be imposed in the United States of America or in the Republic of Ecuador upon importations of articles the growth, produce or manufacture of the other country because of errors in documentation obviously clerical in origin or where good faith can be established.

No se impondrán en los Estados Unidos de América ni en la República del Ecuador multas mayores que las nominales sobre la importación de artículos cosechados, producidos o manufacturados en el otro país, con motivo de errores en la documentación que patentemente se deban a la simple escritura o sean errores tipográficos (clerical errors), o cuando pueda establecerse la buena fé.

Mutual consideration of representations with respect to customs, etc.

The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity

El Gobierno de cada país dará consideración amistosa y a solicitud prestará oportunidad adecuada a las consultas con respecto

for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life or health.

In the event that the Government of either country makes representations to the Government of the other country in respect of the application of any sanitary law or regulation for the protection of human, animal, or plant life, and if there is disagreement with respect thereto, a committee of technical experts on which each Government shall be represented shall, on the request of either Government, be established to consider the matter and to submit recommendations to the two Governments.

a las representaciones que el otro Gobierno pueda hacer con relación a la aplicación de reglamentos aduaneros, restricciones cuantitativas o a la administración de las mismas, la observancia de formalidades aduaneras y la aplicación de leyes y reglamentos sanitarios para la protección de la vida o la salud humana, animal o vegetal.

En caso de que el Gobierno de uno u otro país hiciere representaciones al otro Gobierno con respecto a la aplicación de cualquier ley o disposición sanitaria para la protección de la vida humana, animal o vegetal, y hubiere desacuerdo sobre el particular, se establecerá, a petición de cualquiera de los Gobiernos, una Comisión de expertos técnicos en la cual estarán representados ambos Gobiernos, para considerar el asunto y someter recomendaciones a los dos Gobiernos.

Sanitary regulations.

#### ARTICLE XV.

Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by the United States of America and the Republic of Ecuador, respectively, to the commerce of the other country, shall not apply to the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam, or to the Panama Canal Zone.

Subject to the reservations set forth in the third and fourth paragraphs of this Article, the provisions of this Agreement re-

#### ARTICULO XV.

Exceptuando lo estipulado de manera contraria en el segundo párrafo de este Artículo, las disposiciones de este Convenio referentes al tratamiento que los Estados Unidos de América y la República del Ecuador, respectivamente, deberán dispensar al comercio del otro país, no serán aplicables a las Islas Filipinas, Islas Virgenes, Samoa Americana, Isla de Guam, ni a la Zona del Canal de Panamá.

Sujetas a las reservas establecidas en los párrafos tercero y cuarto de este Artículo, las disposiciones de este Convenio con

Provisions not to apply to Philippine Islands, etc.; exception.

Preferential treatment extended to territories, etc., of each other.

Not applicable to  
Panama Canal Zone.

garding most-favored-nation treatment shall apply to articles the growth, produce of manufacture of any territory under the sovereignty or authority of the United States of America or the Republic of Ecuador, imported from or exported to any territory under the sovereignty or authority of the other country. It is understood, however, that the provisions of this paragraph do not apply to the Panama Canal Zone.

Existing or future  
advantages to adjacent  
countries excepted from operation  
of Agreement.

The advantages now accorded or which may hereafter be accorded by the United States of America or the Republic of Ecuador to adjacent countries in order to facilitate frontier traffic, and advantages resulting from a customs union to which either the United States of America or the Republic of Ecuador may become a party so long as such advantages are not extended to any other country, shall be excepted from the operation of this Agreement.

Advantages accorded by U. S., its territories, etc., to one another or Cuba.

Panama Canal  
Zone.

The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

respecto al tratamiento de la nación más favorecida se aplicarán a los artículos cosechados, producidos o manufacturados en cualquier territorio bajo la soberanía o jurisdicción de los Estados Unidos de América o de la República del Ecuador importados de o exportados a cualquier territorio bajo la soberanía o jurisdicción del otro país. Se entiende, sin embargo, que las disposiciones de este párrafo no son aplicables a la Zona del Canal de Panamá.

Las ventajas ya otorgadas o que en lo sucesivo se otorgaren por los Estados Unidos de América o la República del Ecuador a países limítrofes para facilitar el tráfico fronterizo y las ventajas que resultaren de una unión aduanera de la cual los Estados Unidos de América o la República del Ecuador pudiese formar parte y mientras tales ventajas no se concedan a cualquier otro país, se exceptuarán de los efectos de este Convenio.

Las ventajas ya otorgadas o que en lo sucesivo se otorgaren por los Estados Unidos de América, sus territorios o posesiones o por la Zona del Canal de Panamá, entre sí o a la República de Cuba, se exceptuarán de los efectos de este Convenio. Las disposiciones de este párrafo continuarán aplicándose con respecto a cualquier ventaja ya otorgada o que en lo sucesivo se otorgare por los Estados Unidos de América, sus territorios o posesiones, o por la Zona del Canal de Panamá, entre sí, no obstante cualquier cambio en el *status* político de cualquiera de los territorios o posesiones de los Estados Unidos de América.

## ARTICLE XVI.

## ARTICULO XVI.

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, and without prejudice to the provisions of the second and third paragraphs of Article XIV, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life or health; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws.

Sujeto al requisito de que, bajo circunstancias y condiciones análogas, no habrá discriminación arbitraria por un país en contra del otro a favor de cualquier nación tercera, y sin perjuicio a las disposiciones del segundo y tercero párrafos del Artículo XIV, las disposiciones de este Convenio no se aplicarán a las prohibiciones o restricciones (1) impuestas para fines humanitarios o moral; (2) destinadas a proteger la vida o la salud humana, animal o vegetal; (3) relacionadas con mercancías producidas en prisiones; (4) con respecto a la ejecución de leyes policiales o fiscales.

Provisions not to extend to specified restrictions.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Nada de lo contenido en este Convenio se interpretará en un sentido que impida la adopción de medidas que prohiban o restrinjan la exportación de oro o plata, o que impida la adopción de las medidas que cualquiera de los dos Gobiernos estime necesarias para el control de la exportación o venta para la exportación, de armas, municiones o implementos de guerra, y, en circunstancias excepcionales, de todo otro material de guerra.

Gold or silver exportation restrictions.

Control of export of arms, etc.

## ARTICLE XVII.

## ARTICULO XVII.

In the event that the Government of the United States of America or the Government of the Republic of Ecuador adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government

En caso de que el Gobierno de los Estados Unidos de América o el Gobierno de la República del Ecuador adopte cualquier medida que aún cuando no esté en conflicto con los términos de este Convenio sea considerada por el Gobierno del otro país como anulando o desvirtuando cualquiera de los fines de este Convenio, el Gobierno que haya adoptado tal

Adjustment of measures impairing objects of agreement.

which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

medida deberá considerar las representaciones y propuestas que el otro Gobierno pueda hacer con la mira de efectuar un arreglo del asunto mutuamente satisfactorio.

## ARTICLE XVIII.

## ARTICULO XVIII.

Agreement to supplant *modus vivendi*.

The present Agreement shall, from the date on which it comes into force, supplant the *modus vivendi* between the United States of America and the Republic of Ecuador, effected by exchange of notes signed on June 12, 1936.

49 Stat. 4013.

El presente Convenio deberá, desde la fecha en que entre en vigor, subrogar al *modus vivendi* entre los Estados Unidos de América y la República del Ecuador efectuado por cambio de notas firmadas el doce de Junio de mil novecientos treinta y seis.

## ARTICLE XIX.

## ARTICULO XIX.

Effective date and duration.

The present Agreement shall come into full force on the thirtieth day following proclamation thereof by the President of the United States of America and the Supreme Chief of the Republic of Ecuador, or should the proclamations be issued on different days, on the thirtieth day following the date of the later in time of such proclamations, and, subject to the provisions of Article VII, Article X, or Article XIII, shall remain in force and effect until six months from the day on which either Government shall give notice of its intention to terminate it. The Government of each country shall notify the Government of the other country of the date of its proclamation.

Notice of date of proclamation.

El presente Convenio deberá entrar en pleno vigor treinta días después de su promulgación por el Presidente de los Estados Unidos de América y por el Jefe Supremo de la República del Ecuador, o, en caso de que las promulgaciones se hagan en fechas distintas, treinta días después de la fecha de la última promulgación, y, sujeto a las disposiciones del Artículo VII, Artículo X, o Artículo XIII, permanecerá en vigor y efecto hasta seis meses después de la fecha en que cualquiera de los dos Gobiernos diere aviso de su intención de terminarlo. El Gobierno de cada país deberá notificar al Gobierno del otro la fecha de su promulgación.

Signatures.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

En fé de lo cual los respectivos Plenipotenciarios han firmado este Convenio y han puesto sus sellos.



Done in duplicate, in the English and Spanish languages, both authentic, at the City of Quito this sixth day of the month of August of the year one thousand nine hundred and thirty-eight.

Hecho en duplicado, en los idiomas inglés y español, siendo ambos textos auténticos, en la ciudad de Quito, a los seis días del mes de Agosto de mil novecientos treinta y ocho.

For the President of the  
United States of America,

[SEAL] BOAZ LONG

For the Supreme Chief  
of the Republic of  
Ecuador,

[SEAL] LUIS BOSSANO

Por el Presidente de los  
Estados Unidos de America,

[SEAL] BOAZ LONG

Por el Jefe Supremo de  
la Republica del  
Ecuador,

[SEAL] LUIS BOSSANO

## SCHEDULE I

Ecuadoran Tariff Item Number	Description of Articles	Maximum Rates of Duty. Specific Rates in Ecuadoran Sucres	
NOTE: The provisions of this Schedule will be interpreted as though they had been included in the current Ecuadoran tariff law by an amendment to that law.			
ABBREVIATIONS:			
G. K. - Gross Kilo			
L. K. - Legal Kilo			
9	Milk:		
	-b) Milk in powder or skimmed milk, evaporated milk or cream or any kind of milk, with or without sugar, conserved or concentrated, in any container, except milk sugar	L. K.	0. 45
Ex 13	Hog lard:		
	-a) Hog lard	G. K.	0. 25
30	Preserved sardines, in any form or preparation	L. K.	0. 49
43	Prunes in general	L. K.	0. 315
77	Oats:		
	-c) Elaborated, prepared or crushed for human food, in containers of metal, paper board or similars	L. K.	0. 245
87	Pure wheat flour, in any container	G. K.	0. 075
154	Lubricating oils for machinery and vehicles in general, including greases of any origin, composition or mixture, not otherwise shown	G. K.	0. 315
Ex 277	All prepared liquid paints, not otherwise provided for, including those called enamels and lacquers, not provided for in section 6	G. K.	0. 60
NOTE VI which reads "no articles classified under item 277 will pay a duty of less than 30 percent ad valorem" is hereby deleted.			
292	Paste, powder, soap, waters and liquid preparations in general and others not specified, for dental cleanliness and hygiene, perfumed or not	L. K.	2. 765
374	Pharmaceutical specialties and preparations such as:		
	-c) Syrups, elixirs, emulsion, comprimes, tablets, ampoules, capsules and similars	L. K.	1. 20
NOTE XVII in so far as it refers to subitem c) of item 374 is hereby deleted.			
NOTE: The importation of pharmaceutical specialties and patent medicines remains subject to the provisions that the National Department of Hygiene of Ecuador may dictate. It is understood, however, that the public health authorities of Ecuador will not impose any certification requirement or any formality for the importation, registration, licensing and sale of pharmaceutical specialties and patent medicines, which will be impossible of fulfillment in the United States of America because of the lack of a duly authorized Federal agency.			

## LISTA I

No. de la  
Ley Arancelaria de  
Aduanas  
del  
Ecuador

## Descripción de Artículos

Tarifas Máximas de Derechos.  
Tarifas Específicas en Sueros  
Ecuatorianos

NOTA: Las estipulaciones de esta Lista se interpretarán como si estuvieran incluidas en la actual Ley Arancelaria de Aduanas del Ecuador como una enmienda a dicha Ley.

## ABREVIACIONES:

P. B. K.— Por Kilo peso Bruto

P. L. K.— Por Kilo peso Legal

9.—	Leche:		
	b).—Leche en polvo o descremada, leche o crema evaporada o cualquier leche, con o sin azúcar, conservada o concentrada, en cualquier envase, exceptuando azúcar de leche	P. L. K.	0,45
Ex 13.—	Manteca de cerdo:		
	a).—Manteca de cerdo	P. B. K.	0,25
30.—	Sardinias conservadas en cualquier forma o preparación	P. L. K.	0,49
43.—	Ciruelas pasas en general	P. L. K.	0,315
77.—	Avena:		
	c).—Elaborada, preparada o machacada para la alimentación humana, en envases metálicos, de cartón o semejantes	P. L. K.	0,245
87.—	Harina pura de trigo, en cualquier envase	P. B. K.	0,075
154.—	Aceites lubricantes para maquinarias y vehículos en general, incluso grasa, de cualquier origen, composición o mezcla, no previstos en otra parte	P. B. K.	0,315
Ex 277.—	Todas las pinturas preparadas en líquido, no previstas en otra parte, incluso las llamadas esmaltes y barnices, no previstas en la sección 6	P. B. K.	0,60
	NOTA VI que dice "Ningún artículo clasificado en el párrafo 277 pagará un derecho menos de Ad-val. 30%" queda suprimida.		
292.—	Pasta, polvo, jabón, aguas y preparaciones líquidas en general, y cualquiera otra no especificada para la limpieza e higiene dentrífica, perfumados o no	P. L. K.	2,765
374.—	Preparaciones y especialidades farmacéuticas, tales como:		
	c).— Jarabe, elixir, emulsión, comprimidos, tabletas, ampollas, cápsulas y semejantes	P. L. K.	1,20
	Queda suprimida NOTA XVII en cuanto se refiere al inciso c) del párrafo 374.		
	NOTA: La importación de especialidades farmacéuticas y medicinas de patente queda sujeta a las reglamentaciones que el Departamento de Sanidad del Ecuador pueda dictar. Debe entenderse, sin embargo, que las autoridades de Sanidad del Ecuador no impondrán el requisito de certificación de ninguna clase u otra formalidad para la importación, registro, licencia y venta de especialidades farmacéuticas y medicinas de patente, lo cual sería imposible cumplir en los Estados Unidos de América, debido a la falta de una agencia Federal debidamente autorizada para el efecto.		

## SCHEDULE I—Continued

Ecuadoran Tariff Item Number	Description of Articles	Maximum Rates of Duty. Specific Rates in Ecuadoran Sucre
524	Tools and instruments of all kinds for artisans (excepting those intended for and those suitable for automobiles), not mentioned elsewhere, such as drills, reamers, anvils, carpenters' planes, those for cleaning boiler tubes, jack or long planes, bellows, scythes, files, fixed wrenches and monkey wrenches, hammers, crow bars, punches, handsaws, saws, small or hand bits, pipe stocks, turn-pikes, small or hand lathes, heel knives, anvils (tall type), diamonds mounted for cutting glass, wire stretchers and fencing pliers for cattle fences, boiler tube expanders, saw setters, plumbs, marking gauges and levels for carpenters and masons, stonecutters' steel tools, lifting jacks for lifting weights up to two tons; all these of iron, cast iron, steel or wood	10% ad valorem
526	Instruments and utensils, such as spades or hoes, agricultural machetes (without sheaths), shovels, rakes, pitch forks, winnowing forks for potatoes, picks, pick-axes, pruners and hand trowels, all with or without handles; root pruners and similar utensils which are employed in agriculture and the preparation of land for agriculture	3½% ad valorem
608	Steam boilers and steam engines of all kinds, including engines and tenders; traction engines and portable engines; machinery for the construction of roads and irrigation canals; hydraulic motors, motors run by hot air, compressed air, petroleum, gasoline and naphtha, excepting motors intended for passenger automobiles; complete air compressor and all apparatus operated by compressed air, such as hammers, drills, chisels, etc.; hand or power cranes; turn tables, elevators, machinery for rock and well drilling; excavating machinery; stone crushers, cutters and polishers; concrete mixers, rammers, power hammers, windlasses, dredges, winches; ore crushers; machines for making tiles and cement tubes, and machinery in general for the manufacture of clay bricks, run by motive power	Free
644	Mechanical specie counters; cash registers; calculating machines; accounting machines; spare parts for all such machines	20% ad valorem
648	Hand sewing machines, with or without covers, for seamstresses and tailors Each	10.00

## LISTA I—Continúa

No. de la  
Ley Arancelaria de  
Aduanas  
del  
Ecuador

## Descripción de Artículos

Tarifas Máximas de Derechos.  
Tarifas Específicas en Sueros  
Ecuatorianos

524.-	Herramientas e instrumentos de todas clases, para artesanos (exceptuando los aparatos y los a propósito para automóviles), no mencionados en otra parte, tales como barrenas, brocas, bigornias, cepillos de carpintero, los para limpiar tubos de caldera, garlopas o garlopines, fuelles, guadafías, limas, llaves fijas y llaves inglesas, martillos, palancas, sacabocados, serruchos, sierras, taladros pequeños o manuales, tarrajas, torniquetes, tornos pequeños o manuales, trinchetes o tranchetes, yunques, diamantes montados para cortar vidrio, templadores de alambre y llaves para cercas de ganado, expandas para tubos de calderos, trabadores de sierra, plomadas, gramiles y niveles para carpinteros y albañiles, barrilejos y piquillos de acero para picapedreros, gatos para alzar pesos hasta de dos toneladas; todos estos de hierro, hierro fundido, acero o madera	Ad-val.	10%
526.-	Instrumentos y útiles, tales como azadas o azadones, hoces, machetes de agricultura (sin vaina), palas, rastrillos, horquillas para estiércol, bieldos para sacar papas, picos, piquetas, podadoras y excavadoras manuales, todos con cabos o sin ellos; arrancacepas, y útiles semejantes que se emplean en la agricultura y preparación de la tierra para la agricultura	Ad-val.	3¼%
608.-	Calderas y motores de vapor de todas clases, incluso motores y tenderes; máquinas de tracción y motores portátiles; maquinaria para la construcción de caminos y canales de riego; motores hidráulicos, de aire caliente y de aire comprimido; de petróleo, de gasolina y de nafta, excepto los motores destinados a automóviles de pasajeros; compresora de aire completo y todos los aparatos que funcionan por medio de aire comprimido, tales como martillos, taladros, cinceles, etc.; grúas de mano o de fuerza motriz; plataformas giratorias, ascensores, maquinarias para taladrar roca y para la perforación de pozos; maquinarias para excavaciones; trituradoras, cortadoras y pulimentadoras para piedra; mezcladoras de concreto, martinets, martillos de fuerza motriz, cabrias, dragas, cabrestantes bocarte; máquinas para fabricar baldosas y tubos de cemento; y maquinarias en general, para la fabricación de ladrillos de arcilla, movidas a fuerza motriz	Libre	
644.-	Contadores mecánicos de efectivo; cajas registradoras; máquinas de computar; máquinas para teneduría de libros; piezas sueltas de todas éstas	Ad-val.	20%
648.-	Máquinas de coser a mano, con caja o sin ella, para costureras y sastres	Cada una	10,00

## SCHEDULE I—Continued

Ecuadoran Tariff Item Number	Description of Articles	Maximum Rates of Duty. Specific Rates in Ecuadoran Sucre	
649	Sewing machines, operated by human power, not specially provided for, also all parts and tools for sewing machines, of every kind, except needles	10% ad valorem	
650	Sewing machines, in general, with or without covers, called table or cabinet machines, for seamstresses and tailors	25. 00	
652	Typewriters, covers for the same and spare parts for them	5% ad valorem	
667	Storage batteries, and parts or elements for the same, even those for automobiles, radio-telephony installations or for other uses	20% ad valorem	
Ex 677	Electric and other automatic refrigerators of any type, with or without motors, and accessories and parts therefor	25% ad valorem	
679	Electric batteries in general and elements for the same, of metal, carbon or any other material	L. K.	0. 70
	NOTE VIII which says "No article classified under item 679, shall pay a duty of less than 30%" is hereby deleted.		
687	-a)Automobiles up to 600 dollars in value	30% ad valorem	
	-b)From 601 to 900 dollars, for the excess	40% ad valorem	
	-c)901 dollars and above, for the excess	80% ad valorem	
	-d)Omnibuses and similar vehicles for passengers	30% ad valorem	
	-e)Parts, spare and repair parts for automobiles, omnibuses and trucks; coach work and chassis for automobiles and coach work for omnibuses, excepting chassis for automobile trucks for the transportation of freight and omnibuses	20% ad valorem	
691	Inner tubes for tires or pneumatic casings of motor powered vehicles	L. K.	1. 995
692	-a)Automobile trucks and light delivery trucks for the transportation of freight, with explosion, internal combustion or electric motors, imported with coach work and chassis of all of these, including chassis for omnibuses	10% ad valorem	
706	Tires, that is covers, for automobile wheels, solid, hollow or pneumatic, smooth or of the nonskid type, including all other pneumatic tires for vehicles, and leather covers, reinforced or not with metal	L. K.	2. 10
900	Oilcloth with a base of cotton or other vegetable fibres, and imitation leather, for furniture, vehicles and tapestry, including table covers	L. K.	1. 96
1086	Knitted and crocheted textiles, of silk or artificial silk, with or without handwork:		
	-b) Stockings and socks, for men and women, per dozen pairs	8. 66	
		Plus 7% ad valorem	
1089	Hides and skins, tanned, dressed or dyed, without hair or wool:		
	-a) Of calf, varnished, whole, divided, split, excarnated or crusts	L. K.	8. 50
Ex-n)	Patent upper leather	L. K.	8. 50

## LISTA I—Continúa

No. de la Ley Arancelaria de Aduanas del Ecuador	Descripción de Artículos	Tarifas Máximas de Derechos. Tarifas Específicas en Suces Ecuatorianos	
649.-	Máquinas de coser a fuerza de sangre, no previstas, así como todas las partes y útiles de máquinas de coser de cualquiera clase, exceptuando las agujas	Ad-val.	10%
650.-	Máquinas de coser, en general, con caja o sin ella, llamadas de mesa o gabinete, para costureras y sastres	Cada una	25, 00
	Más -----	Ad-val.	5%
652.-	Máquinas de escribir, tapas para las mismas y piezas sueltas de ellas	Ad-val.	20%
667.-	Baterías acumuladoras, y partes o elementos para las mismas, aunque sean para automóviles, instalaciones de radio-telefonía o para otros usos	Ad-val.	25%
Ex 677.-	Refrigeradoras eléctricas y otras refrigeradoras automáticas de cualquier tipo, con o sin motores, y accesorios y partes para las mismas	Ad-val.	20%
679.-	Pilas eléctricas en general, y elementos para las mismas, sean de metal, carbón o cualquier otro material	P. L. K.	0, 70
	NOTA VIII que dice "Ningún artículo clasificado según el párrafo 679, pagará un derecho menor de Ad-val. 30%" queda suprimida.		
687.-	a)-Automóviles hasta de 600 dólares de valor	Ad-val.	30%
	b)-De 601 a 900 dólares, por el exceso	Ad-val.	40%
	c)-De 901 dólares en adelante, por el exceso	Ad-val.	80%
	d)-Omnibus y vehículos semejantes, para pasajeros	Ad-val.	30%
	e)-Partes, piezas sueltas y repuestos para automóviles, omnibus, y camiones; carrocería y chasis para automóviles y carrocería para omnibus, exceptuando chasis para camiones-automóviles de transporte de carga y omnibus	Ad-val.	20%
691.-	Cámaras o tubería interior para llantas o cámaras neumáticas de vehículos a fuerza motriz	P. L. K.	1, 995
692.-	a)-Camiones-automóviles y camionetas para el transporte de carga, con motores de explosión o combustión interna o eléctrica, importados con sus carrocerías y chasis de todos éstos, inclusive los chasis para omnibus	Ad-val.	10%
706.-	Llantas, o sean cubiertas, para ruedas de automóviles, sólidas, huecas o neumáticas, sean lisas o de sistema antiderrapant, incluso todas las demás llantas neumáticas para vehículos y las cubiertas de cuero para las mismas, reforzadas o no con metal	P. L. K.	2, 10
900.-	Hule a base de algodón o de otras fibras vegetales e imitaciones de cuero para muebles, vehículos y tapicería, inclusive las carpetas de mesa	P. L. K.	1,96
1086.-	Tejidos de punto de media y de crochet, de seda o seda artificial, con obra de mano o sin ella:		
	b).- Medias y calcetines, para hombres y mujeres	Docena de pares	8,66
	Más -----	Ad-val.	7%
1089.-	Cueros o pieles curtidos, adobados o teñidos, sin pelo o lana:		
	a).- De becerro, barnizados, enteros, divididos, abiertos, descarnes o costras	P. L. K.	8,50
Ex n).-	Cueros grandes, charolados, para pala de calzado	P. L. K.	8,50

## SCHEDULE II

United States Tariff Act of 1930 Paragraph	Description of Articles	Maximum Rates of Duty. Specific Rates in United States Dollars
<p>NOTE: The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined, in so far as may be practicable, as if each provision of this Schedule appeared respectively in the paragraph of the Tariff Act of 1930 or the section of the Revenue Act of 1932 noted in the column at the left of the respective descriptions of articles.</p>		
752	Bananas, dried, desiccated or evaporated	17½ % ad valorem
806 (a)	Naranjilla ( <i>solanum quitoense lam</i> ) juice, not specially provided for, containing less than one half of one per centum of alcohol	0.35 per gallon
806 (b)	Concentrated naranjilla ( <i>solanum quitoense lam</i> ) juice, fit for beverage purposes	0.35 per gallon on the quantity of unconcentrated natural fruit juice contained in such concentrated juice as shown by chemical analysis
1504 (b) (1)	Hats and hoods, composed wholly or in chief value of the fibre of the <i>carludovica palmata</i> , commercially known as toquilla fibre or straw: not blocked or trimmed and not bleached, dyed, colored or stained	12½ % ad valorem
1609	Annatto, prepared or unprepared, and extracts thereof (not containing alcohol)	Free
1618	Bananas, green or ripe	Free
1618	Plantains, green or ripe	Free
1619	Barks, cinchona or other, from which quinine may be extracted	Free
1653	Cocoa or cacao beans, and shells thereof	Free
1654	Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319	Free
1684	Kapok, not dressed or manufactured in any manner	Free
1765	Reptile skins, raw	Free
1778	Tagua nuts	Free
1803 (1)	Sawed balsa lumber and timber, not further manufactured than planed, and tongued and grooved; n. s. p. f.	Free
1803 (2)	Balsa wood in the log	Free
Revenue Act of 1932 Section		
601 (c) (6)	Balsa lumber, rough, or planed or dressed on one or more sides, provided that nothing in this Agreement shall be deemed to prevent the application of a tax at the rate provided for above to sawed balsa timber or to require a deduction on account of planing, tonguing or grooving in determining board measure for the purpose of assessing import taxes on balsa lumber and timber	1.50 per 1000 feet board measure



Ley de Arancel  
de 1930 de los  
Estados Unidos  
de América  
Párrafo

## LISTA II

## Descripción de Artículos

Tarifas Máximas de Derechos.  
Tarifas Específicas en Dóla-  
res de los Estados Unidos de  
América

NOTA: Las disposiciones de esta Lista serán interpretadas y tendrán el mismo efecto y la aplicación a ellas de las disposiciones colaterales de las Leyes de Arancel de los Estados Unidos de América será determinada, en cuanto fuere posible, como si cada disposición de esta Lista apareciera respectivamente en el párrafo de la Ley de Arancel de 1930 o la sección de la Ley de Ingresos de 1932 señalado en la columna de la izquierda de las respectivas descripciones de los artículos.

752	Plátanos, secos, desecados o evaporados	17½% Ad-val.
806 (a)	Jugo de naranjilla ( <i>solanum quitoense lam</i> ), no previsto especialmente, conteniendo menos de la mitad de 1% de alcohol	0,35 por galón
806 (b)	Jugo de naranjilla ( <i>solanum quitoense lam</i> ), concentrado, apropiado para bebidas	0,35 por galón, sobre una cantidad de jugo natural de fruta, no concentrado, según el jugo concentrado que contenga, de acuerdo con el análisis químico
1504 (b) (1)	Sombreros y cubiertas (formas o "cloches"), compuestos enteramente o en su mayor valor de la fibra de la <i>carludovica palmata</i> , comercialmente conocida como fibra o paja toquilla: sin hornar o adornar, y sin ser blanqueados, pintados de color o tinturados	12½% Ad-val.
1609	Achiote, preparado o sin preparar, y sus extractos (que no contengan alcohol)	Libre
1618	Plátanos, verdes o maduros	Libre
1618	Plátanos de cocinar, verdes o maduros	Libre
1619	Cáscaras, cascarilla u otras, de las cuales se pueda extraer la quinina	Libre
1653	Cocoa o cacao en grano y las cáscaras de éstos	Libre
1654	Café, salvo café importado a Puerto Rico y sobre el cual está impuesto un derecho bajo la autoridad de sección 319	Libre
1684	Lana de ceibo, no preparada ni manufacturada en ninguna forma	Libre
1765	Cueros de reptil, crudos	Libre
1778	Tagua	Libre
1803 (1)	Madera y palos de balsa, aserrados, pero sin más manufactura que acepillados y machimbrados; no previsto en otra parte	Libre
1803 (2)	Palo de balsa en trozos	Libre
Ley de Ingresos de 1932 Sección		
601 (c) (6)	Palo de balsa, cruda, o acepillada o preparada en un o más lados, a condición de que en este Convenio nada se estime que se opone a la aplicación de un impuesto al tipo más arriba establecido, para el palo de balsa aserrado, o que requiera una disminución por estar cepillado, machimbrado o scanalado, para determinar la medida de la tabla, con el fin de establecer los derechos de importación para la madera de balsa aserrada o en palos	1,50 por 1000 pies

Modifications, etc.

WHEREAS, such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are set forth and provided for in the said Agreement and the two Schedules thereunto annexed, as amended by the said notes of August 6, 1938, September 9, 1938, and September 13, 1938, are required and appropriate to carry out the said Agreement as amended;

*Ante*, p. 1966.

WHEREAS, it is stipulated in Article XIX of the said Agreement that the Agreement shall come into full force on the thirtieth day following proclamation thereof by the President of the United States of America and the Supreme Chief of the Republic of Ecuador, or should the proclamations be issued on different days, on the thirtieth day following the date of the later in time of such proclamations;

Proclamation by  
Supreme Chief of  
Ecuador.

WHEREAS, the said Agreement, as amended, including the two Schedules, was proclaimed by the Supreme Chief of the Republic of Ecuador on August 6, 1938;

Proclamation by  
President of United  
States of America.  
48 Stat. 943; 50 Stat.

24; 19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim the said Agreement as amended by the aforesaid notes, including the said Schedules, to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after October 23, 1938, the thirtieth day following September 23, 1938, the date of this my proclamation of the said Agreement.

48 Stat. 943; 50 Stat.

24; 19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

Pursuant to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties herein proclaimed is to be suspended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-third day of September, in the year of our Lord one thousand nine  
[SEAL] hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Agreement between the United States of America and Mexico for the exchange of official publications. Effected by exchange of notes signed June 3 and August 29, 1938.*

June 3 and August  
29, 1938  
[E. A. S. No. 134]

*The Acting Secretary of State (Welles) to the Mexican Ambassador (Nájera)*

DEPARTMENT OF STATE,  
 Washington, June 3, 1938.

EXCELLENCY:

I have the honor to refer to the Department's note of April 5, 1938<sup>1</sup> and to previous correspondence regarding the conclusion of an agreement for the exchange of official publications between the Government of the United States of America and the Government of Mexico.

Agreement with Mexico for the exchange of official publications.

It gives me pleasure to inform Your Excellency that the Government of the United States of America will be glad to undertake a complete exchange of publications with the Government of Mexico to be conducted in accordance with the following provisions:

1. The official exchange office for the transmission of publications of the United States is the Smithsonian Institution. The official exchange office on the part of Mexico is the Departamento Autónomo de Prensa y Publicidad.

2. The exchange sendings shall be received on behalf of the United States by the Library of Congress; on behalf of Mexico by the Departamento Autónomo de Prensa y Publicidad.

3. The Government of the United States shall furnish regularly in one copy the official publications of its various departments, bureaus, offices, and institutions. Attached is a list of such departments and agencies (List No. 1).<sup>2</sup> This list shall include, without the necessity of subsequent negotiations, any new office that the Government may create in the future.

4. The Government of Mexico shall furnish regularly in one copy the official publications which it issues, of its several departments, bureaus, offices, and institutions. Attached is a list (List No. 2)<sup>3</sup> of the publications which the Departamento Autónomo de Prensa y Publicidad is issuing or intends to issue, a list which remains subject to the modifications that administrative necessities may require and shall include, without the necessity of subsequent negotiations, any new official publications that the Government may issue in the future.

<sup>1</sup> Not printed.

<sup>2</sup> For list, see p. 1978.

<sup>3</sup> For list as furnished by the Mexican Government, see p. 1988.

5. With respect to the departments and instrumentalities which at this time do not issue publications and which have not been included in the attached lists, it is understood that publications issued in the future by those offices shall be furnished in one copy.

6. Neither Government shall be obligated by this agreement to furnish confidential publications, blank forms, or circular letters not of a public nature.

7. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

8. Both parties express their willingness as far as possible to expedite shipments.

9. This agreement shall not be understood to modify the already existing exchange agreements between the various government departments of the two countries.

I wish to point out that in entering upon this complete exchange of official publications the Government of the United States assumes that publications of the judicial branches of both Governments as well as those of the other branches are to be included in the exchange.

It is understood that the agreement shall enter into force upon the receipt of a note from the Embassy indicating that the Government of Mexico is prepared to undertake a complete exchange of publications with the Government of the United States in accordance with the foregoing provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

SUMNER WELLES  
*Acting Secretary of State.*

Enclosures:

1. List No. 1.
2. List No. 2.

His Excellency

Señor Dr. Don FRANCISCO CASTILLO NÁJERA,  
*Ambassador of Mexico.*

[LIST NO. 1]

LIST OF THE VARIOUS DEPARTMENTS AND INSTRUMENTALITIES OF THE UNITED STATES GOVERNMENT, THE PUBLICATIONS OF WHICH ARE TO BE FURNISHED, TOGETHER WITH NOTE OF THE PRINCIPAL SERIAL PUBLICATIONS TO BE INCLUDED IN THE EXCHANGE.

AGRICULTURE DEPARTMENT

Crops and markets, monthly  
Department leaflet  
Farmers' bulletin, irregular  
Journal of agricultural research, semi-monthly  
Miscellaneous publication  
Technical bulletin, irregular  
Yearbook of agriculture, bound

*Agricultural economics bureau*

Agricultural situation, monthly

Statistical bulletin

Report, annual

*Agricultural engineering bureau*

Report, annual

*Animal industry bureau*

Service and regulatory announcements

*Biological survey bureau*

North American fauna

Report, annual

*Chemistry and soils bureau*

Soil survey reports

Report, annual

*Dairy industry bureau*

Report, annual

*Entomology and plant quarantine bureau*

Report, annual

*Experiment station office*

Experiment station record, monthly

Report on agricultural experiment stations, annual

*Extension service*

Extension service review, monthly

*Food and drug administration*

*Forest service*

Report, annual

*Home economics bureau*

Report, annual

*Information office*

Report, annual

*Plant industry bureau*

*Public roads bureau*

Public roads, journal of highway research, monthly

Report, annual

*Soil conservation service*

Soil conservation, monthly

Report, annual

*Weather bureau*

Climatological data for U. S., monthly

Monthly weather review

CIVIL SERVICE COMMISSION

Official register of the U. S., annual bound

Report, annual

COMMERCE DEPARTMENT

Annual report of the Secretary of Commerce

*Air commerce bureau*

*The Census bureau*

Decennial census

Biennial census of manufactures

Birth, stillbirth and infant mortality statistics, annual

Financial statistics of cities over 100,000, annual

Financial statistics of state and local governments, annual

Mortality statistics, annual

County and city jails, prisoners, annual

Prisoners in state and federal prisons, annual

*Coast and geodetic survey*

Special publications

*Fisheries bureau*

Bulletin

Fishery circular

Investigational report

*Foreign and domestic commerce bureau*

Domestic commerce series

Survey of current business

Foreign commerce and navigation, bound annual

Monthly summary of foreign commerce

Commerce reports, weekly

Statistical abstract, annual

Trade information bulletin

Trade promotion series

*Lighthouses bureau**National bureau of standards*

Circular

Journal of research, monthly

Technical news bulletin, monthly

*Navigation and steamboat inspection bureau*

Merchant marine statistics, annual

Merchant vessels of the United States, annual

*Patent office*

Official gazette, weekly

Index of trademarks, annual

Index of patents, annual

*Shipping board bureau*

Shipping board bureau reports

## CONGRESS

Congressional record, bound

Congressional directory, bound

Statutes at large, bound

Code of laws and supplements, bound

*House of representatives*

Journal, bound

Documents, bound

Reports, bound

*Senate*

Journal, bound

Documents, bound

Reports, bound

## COURT OF CLAIMS

Report of cases decided

## COURT OF CUSTOMS AND PATENT APPEALS

Reports (decisions), bound

## DISTRICT OF COLUMBIA

Reports of the various departments of the local government

## EMPLOYEES' COMPENSATION COMMISSION

Annual report

## FARM CREDIT ADMINISTRATION

Annual report

## FEDERAL COMMUNICATIONS COMMISSION

Annual report

## FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

- FEDERAL HOME LOAN BANK BOARD
  - Federal home loan bank review, monthly
- FEDERAL HOUSING ADMINISTRATION
  - Annual report
- FEDERAL POWER COMMISSION
  - Annual report
- FEDERAL RESERVE SYSTEM
  - Federal reserve bulletin, monthly
  - Annual report
- FEDERAL TRADE COMMISSION
  - Annual report
  - Decisions, bound
- GENERAL ACCOUNTING OFFICE
  - Decisions of comptroller-general, bound
- GOVERNMENT PRINTING OFFICE
  - Annual report
  - Documents office*
    - Documents catalog, biennial
    - Monthly catalog
- INTERIOR DEPARTMENT
  - Annual report
  - Decisions
  - Education office*
    - Bulletin
    - Pamphlet series
    - School life, monthly except July and August
    - Vocational education bulletin
  - General land office*
  - Geological survey*
    - Bulletin
    - Professional paper
    - Water supply papers
  - Mines bureau*
    - Bulletin
    - Minerals yearbook
    - Technical paper
  - National Park Service*
  - Reclamation bureau*
    - Reclamation era, monthly
- INTERSTATE COMMERCE COMMISSION
  - Annual report
  - Annual report of statistics on railways
  - Interstate commerce commission reports (decisions), bound
- JUSTICE DEPARTMENT
  - Annual report of the Attorney General
  - Opinions of the Attorney General
  - Prisons bureau*
    - Federal offenders, annual
- LABOR DEPARTMENT
  - Annual report
  - Children's bureau*
  - Employment service*

*Immigration and naturalisation service**Labor standards division*

Bulletin

Industrial health and safety series

*Labor statistics bureau*

Bulletin

Monthly labor review

*Women's bureau*

Bulletin

## LIBRARY OF CONGRESS

Annual report, bound

*Copyright office*

Catalog of copyright entries

*Documents division*

Monthly checklist of state publications

*Legislative reference service*

State law index, biennial, bound

## NATIONAL ACADEMY OF SCIENCES

Annual report

## NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Annual report

Bibliography of aeronautics, annual

Technical reports

## NATIONAL ARCHIVES

## NATIONAL EMERGENCY COUNCIL

United States government manual

## NATIONAL LABOR RELATIONS BOARD

Decisions

## NATIONAL MEDIATION BOARD

Annual report

## NATIONAL RESOURCES BOARD

Report

## NAVY DEPARTMENT

Annual report of the Secretary of the navy

*Engineering bureau**Marine corps**Medicine and surgery bureau*

Naval medical bulletin, quarterly

Annual report of the surgeon general

*Naval war college*

International law situations, annual bound

*Navigation bureau*

Navy directory, quarterly

Register, annual

*Hydrographic office*

Publications

*Nautical almanac office*

American ephemeris and nautical almanac, annual

American nautical almanac, annual

*Supplies and accounts bureau*

Naval expenditures, annual



**POST OFFICE DEPARTMENT**

Postal guide, annual with monthly supplements  
Annual report of the Postmaster general  
*Postal savings system*  
Annual report

**PRESIDENT OF THE UNITED STATES**

Addresses, messages

**RECONSTRUCTION FINANCE CORPORATION**

Report, quarterly

**SECURITIES AND EXCHANGE COMMISSION**

Decisions  
Annual report

**SMITHSONIAN INSTITUTION**

Report, annual  
*Ethnology bureau*  
Annual report  
Bulletin  
*National museum*  
Report, annual

**STATE DEPARTMENT**

Arbitration series  
Conference series  
Executive agreement series  
Foreign relations, Annual, bound  
Latin American series  
Press releases weekly  
Territorial papers of the United States, bound  
Treaty series  
Treaty information bulletin, monthly

**SUPREME COURT**

Official reports, bound

**TARIFF COMMISSION**

Annual report  
Miscellaneous series  
Reports

**TAX APPEALS BOARD**

Board of tax appeals reports

**TREASURY DEPARTMENT**

Annual report of the Secretary of the treasurer on the state of finances  
Combined statement of receipts, expenditures, balances, etc. annual  
Treasury decisions, bound.  
*Budget bureau*  
Budget annual, bound  
*Bookkeeping and warrants division*  
Digest of appropriations, annual  
*Coast guard*  
Register, annual  
*Comptroller of the currency*  
Annual report  
*Internal revenue bureau*  
Internal revenue bulletin, weekly  
Annual report of the commissioner of internal revenue  
Statistics of income

*Mint bureau*

Annual report

*Narcotics bureau**Procurement division**Public health service*

National institute of health bulletin

Public health bulletin, irregular

Public health reports, weekly

Annual report

Venereal disease information, monthly

## VETERANS' ADMINISTRATION

Annual report

Medical bulletin, quarterly

## WAR DEPARTMENT

Report of the secretary of war, annual

*Adjutant general's department*

Official army register, annual

Army list and directory, semi-annual

*Engineer department*

Report of the chief of engineers (incl. commercial statistics on water-borne commerce), annual

Rivers and harbors board. Port series

*General staff corps**Insular affairs bureau*

Annual report

*Medical department*

Report of the surgeon general, annual

*Military intelligence division**National guard bureau**Ordnance department**Quartermaster general**Signal office*


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*The Mexican Ambassador (Nájera) to the Secretary of State (Hull)*

## EMBAJADA DE MEXICO

5444

WASHINGTON, D. C., 29 de agosto de 1938.

## SEÑOR SECRETARIO:

Tengo el honor de referirme a la atenta nota de Vuestra Excelencia, de fecha 3 de junio de 1938, siéndome grato participarle que mi Gobierno se ha servido autorizarme para celebrar con el de los Estados Unidos un convenio sobre canje de publicaciones oficiales, de acuerdo con las bases siguientes:

1. El Departamento oficial de canje por parte de México es el Departamento Autónomo de Prensa y Publicidad. El departamento oficial de canje para la transmisión de las publicaciones de los Estados Unidos es el Instituto Smithsonian.

2. Los envíos de canje serán recibidos, en nombre de México, por el Departamento Autónomo de Prensa y Publicidad; en nombre de los Estados Unidos por la Biblioteca del Congreso.

3. El Gobierno de los Estados Unidos proporcionará, con regularidad, un ejemplar de las publicaciones oficiales de sus diversos Departamentos, Direcciones, Oficinas e Instituciones. Se agrega una lista de tales departamentos y agencias (Lista No. 1).<sup>1</sup> Esta lista incluirá, sin necesidad de negociaciones subsecuentes, cualquier nueva oficina que el Gobierno pueda crear en lo futuro.

4. El Gobierno de México proporcionará, con regularidad, un ejemplar de las publicaciones oficiales que se editan, correspondientes a sus diversas Secretarías, Departamentos, Direcciones, Oficinas e Instituciones. Se agrega una lista (Lista No. 2)<sup>2</sup> de las publicaciones que el Departamento Autónomo de Prensa y Publicidad edita o proyecta editar, lista que queda sujeta a las modificaciones que las necesidades administrativas impongan, e incluirá, sin necesidad de negociaciones subsecuentes, cualquiera nueva publicación oficial que el Gobierno pueda editar en lo futuro.

5. Con respecto a los departamentos y agencias que en la actualidad no editan publicaciones, y que no hayan sido mencionados en las listas anexas, queda entendido que se proporcionará un ejemplar de las publicaciones que dichas oficinas editen en lo futuro.

6. Ninguno de los dos Gobiernos quedará obligado, por este convenio, a proporcionar publicaciones confidenciales, esqueletos o circulares que no sean de carácter público.

7. Cada una de las partes que celebran este acuerdo cubrirá los gastos de correo, ferrocarriles, barcos y otros que se originen en su propio país.

8. Ambas partes manifiestan su deseo de facilitar la prontitud de sus remesas en cuanto fuere posible.

9. Queda entendido que este convenio no modificará los arreglos que ya existan para el canje de publicaciones entre diversas dependencias de los Gobiernos de ambos países.

De acuerdo con la atenta nota de Vuestra Excelencia a que me vengo refiriendo, tengo el honor de manifestarle que el Gobierno de México entiende que, al entrar en vigor este convenio sobre canje de publicaciones oficiales, también quedarán incluidas las publicaciones de la Rama Judicial de ambos Gobiernos, así como las publicaciones de cualquier otra Rama de los mismos.

En vista de lo anterior y según el tenor del último párrafo de la nota de Vuestra Excelencia, de fecha 3 de junio de 1938, ruego a

<sup>1</sup> Para la lista suministrada por el Gobierno de los Estados Unidos de América, véase pág. 1978.

<sup>2</sup> Véase la lista, pág. 1986.

Vuestra Excelencia se sirva considerar que, a partir de la fecha de recibo de la presente, mi Gobierno está dispuesto a establecer el canje de publicaciones oficiales con el Gobierno de los Estados Unidos de América.

Sírvase aceptar Vuestra Excelencia las seguridades de mi consideración más alta y distinguida.

F. CASTILLO NÁJERA  
*Embajador.*

Excelentísimo señor CORDELL HULL,  
*Secretario de Estado,*  
*etc., etc., etc.,*

[LISTA N.º 2]

LISTA DE PUBLICACIONES QUE EL GOBIERNO DE MEXICO SE COMPROMETE A ENVIAR EN CANJE AL GOBIERNO DE LOS ESTADOS UNIDOS

Política	(Pendiente)
Revista Jurídica	Mensual.
Agricultura	Bimestral.
Irrigación en México	Mensual.
Protección a la Naturaleza	Mensual.
Boletín del Departamento Forestal y de Caza y Pesca	Cada cuatro meses.
Boletín Jurídico Militar	Mensual.
Revista del Ejército	Mensual.
Revista Naval Militar	Mensual.
Revista de Polo	Mensual.
Boletín del Instituto de Higiene	Sin periodicidad.
Sociedades y Crédito	(Pendiente)
Revista de Estadística	Mensual.
Revista de Industria	(Pendiente)
Revista de Ingeniería	Mensual.
Revista de Educación	Mensual.
Anales del Museo Nacional	Anual.
Boletín del Museo Nacional	Trimestral.
Boletín del Archivo General de la Nación	Mensual.
Revista del Trabajo	Mensual.
Revista de Hacienda	Mensual.
Indicador Postal y Telegráfico	Mensual.
Mercado Agrícola Ganadero	Semanal.
Boletín de Aeronáutica	Sin periodicidad.
El Soldado	Mensual.
El Maestro Rural	Mensual.
El Campesino	Mensual.
Palomilla	Quincenal.
Mexican Art and Life	Trimestral.
Educación Física	Mensual.

[Translation]

EMBASSY OF MEXICO

5444

WASHINGTON, D. C., *August 29, 1938.*

MR. SECRETARY:

I have the honor to refer to Your Excellency's kind note of June 3, 1938, and take pleasure in advising you that my Government has been pleased to authorize me to conclude with the United States Government an agreement on exchange of official publications, on the following bases:

1. The official department for the exchange on the part of Mexico is the Autonomous Press and Publicity Department. The official agency of exchange for transmission of the United States publications is the Smithsonian Institution.

2. The exchange sendings will be received, in the name of Mexico, by the Autonomous Press and Publicity Department; in the name of the United States, by the Library of Congress.

3. The United States Government will regularly furnish one copy of the official publications of its various departments, directorates, offices, and institutions. A list of such departments and agencies is attached (List No. 1).<sup>1</sup> This list will include, without necessity of subsequent negotiations, any new office which the Government may create in the future.

4. The Government of Mexico will regularly furnish one copy of the official publications which are published, corresponding to its various secretariats, departments, directorates, offices, and institutions. A list is attached (List No. 2)<sup>2</sup> of the publications which the Autonomous Press and Publicity Department publishes or plans to publish, which list is subject to the modifications which administrative necessities may impose, and will include, without necessity of subsequent negotiations, any new official publication which the Government may publish in the future.

5. With respect to the departments and agencies which at present do not issue any publications, and which have not been mentioned on the attached lists, it is understood that a copy of any publications which the said offices may issue in the future will be furnished.

6. Neither of the two Governments will be obliged by this agreement to furnish confidential publications, forms, or circulars which are not of public character.

7. Each of the parties concluding this agreement will pay the expenses of the mails, railways, vessels, and other expenses which originate in its own country.

8. Both parties express their desire to facilitate the promptness of their sendings as much as possible.

9. It is understood that this agreement will not modify the arrangements which already exist for the exchange of publications between various agencies of the Governments of both countries.

<sup>1</sup> For list as furnished by the Government of the United States of America, see p. 1978.

<sup>2</sup> For list, see p. 1988.

In accordance with Your Excellency's kind note to which I have been referring, I have the honor to advise you that the Government of Mexico understands that, upon the entrance into force of this agreement on exchange of official publications, the publications of the judicial branch of both Governments will also be included as well as the publications of any other branch of the said Governments.

In view of the foregoing and according to the last paragraph of Your Excellency's note of June 3, 1938, I beg Your Excellency to be pleased to consider that, on and after the date of receipt of this note, my Government is prepared to establish the exchange of official publications with the Government of the United States of America.

Please accept, Excellency, the assurances of my highest and most distinguished consideration.

F. CASTILLO NÁJERA  
*Ambassador*

His Excellency  
Mr. CORDELL HULL,  
*Secretary of State.*

[LIST NO. 2]

LIST OF PUBLICATIONS WHICH THE GOVERNMENT OF MEXICO UNDERTAKES TO SEND IN EXCHANGE TO THE GOVERNMENT OF THE UNITED STATES

Política	(Pending)
Revista Jurídica	Monthly
Agricultura	Bimonthly
Irrigación en México	Monthly
Protección a la Naturaleza	Monthly
Boletín del Departamento Forestal y de Caza y Pesca	Every four months
Boletín Jurídico Militar	Monthly
Revista del Ejército	Monthly
Revista Naval Militar	Monthly
Revista de Polo	Monthly
Boletín del Instituto de Higiene	Irregular
Sociedades y Crédito	(Pending)
Revista de Estadística	Monthly
Revista de Industria	(Pending)
Revista de Ingeniería	Monthly
Revista de Educación	Monthly
Anales del Museo Nacional	Annual
Boletín del Museo Nacional	Quarterly
Boletín del Archivo General de la Nación	Monthly
Revista del Trabajo	Monthly
Revista de Hacienda	Monthly
Indicador Postal y Telegráfico	Monthly
Mercado Agrícola Ganadera	Weekly
Boletín de Aeronáutica	Irregular
El Soldado	Monthly
El Maestro Rural	Monthly
El Campesino	Monthly
Palomilla	Semimonthly
Mexican Art and Life	Quarterly
Educación Física	Monthly

*Parcel post agreement between British Guiana and the United States of America, and detailed regulations. Signed at Georgetown August 13, 1938 and at Washington September 6, 1938; approved by the President September 12, 1938.*

August 13, 1938  
September 6, 1938

## PARCEL POST AGREEMENT BETWEEN BRITISH GUIANA AND THE UNITED STATES OF AMERICA.

The Postal Administrations of British Guiana and the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) agree to effect a regular direct exchange of parcels between British Guiana and the United States of America.

Parcel post agree-  
ment with British  
Guiana.

### AGREEMENT.

#### ARTICLE I.

##### *Limits of weight and size.*

1. A parcel for British Guiana posted in the United States of America shall not exceed 22 pounds in weight, 4 feet in length, and 6 feet in length and girth combined; and a parcel for the United States of America posted in British Guiana shall not exceed 10 kilograms in weight, 1.05 meters in length, and 1.80 meters in length and girth combined.

Limits of weight  
and size.

2. As regards the exact calculation of the weight and dimensions of a parcel, the view of the dispatching office shall be accepted except in a case of obvious error.

#### ARTICLE II.

##### *Transit of parcels.*

1. The two Administrations guarantee the right of transit for parcels over their territory to or from any country with which they respectively have parcel-post communication.

Transit of parcels.

2. Each Postal Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor, as well as other conditions to which the parcels are subject. Transit parcels shall be subject to the provisions of this Agreement and the Detailed Regulations so far as they are applicable.

Post, p. 1999

#### ARTICLE III.

##### *Prepayment of postage.*

The prepayment of the postage on a parcel shall be compulsory, except in the case of a redirected or returned parcel.

Prepayment of post-  
age.

#### ARTICLE IV.

##### *Territorial and maritime credits.*

1. The territorial credit due to British Guiana for parcels addressed for delivery in the service of its territory shall be one franc

Territorial and  
maritime credits

for each parcel not exceeding eleven pounds in weight and two francs for each parcel over eleven pounds up to twenty-two pounds in weight, respectively.

2. The territorial credit due to the United States of America for parcels addressed for delivery in the service of its territory shall be as follows, computed on the bulk net weight of each dispatch:

For parcels addressed to the United States of America (continent) 0.70 franc per kilogram.

The combined territorial and maritime credits due to the United States of America for parcels addressed for delivery in the service of its possessions are as follows:

For parcels addressed to Alaska, 2.20 francs per kilogram.

For parcels addressed to Puerto Rico and the Virgin Islands, 1.05 francs per kilogram.

For parcels addressed to Samoa, Guam, and Hawaii, 1.85 francs per kilogram.

3. Each Administration reserves the right to vary its territorial rates in accordance with any alterations of these charges which may be decided upon in connection with its parcel-post relations with other countries generally.

4. Three months advance notice must be given of any increase or reduction of the rates mentioned in Sections 1 and 2 of this article. Such reduction or increase shall be effective for a period of not less than one year.

#### ARTICLE V.

##### *Sea rate.*

Sea rate.

Each of the two Administrations shall be entitled to fix the rate for any sea service which it provides.

#### ARTICLE VI.

##### *Fee for clearance through the Customs.*

Fee for clearance through the Customs.

Each of the two Administrations may collect, in respect of delivery to the Customs and clearance through the Customs, or in respect of delivery to the Customs only, a fee not exceeding 50 centimes per parcel or such other fee as it may from time to time fix for similar services in its parcel-post relations with other countries generally.

#### ARTICLE VII.

##### *Delivery to the addressee. Fee for delivery at the place of address.*

Delivery to the addressee; fee for delivery at the place of address.

Parcels are delivered to the addressees as quickly as possible in accordance with the conditions in force in the country of destination. Each country may collect in respect of delivery of parcels to the addressee a fee not exceeding 50 centimes per parcel. The same fee may be charged, if the case arises, for each presentation after the first at the addressee's residence or place of business.

#### ARTICLE VIII.

##### *Customs and other non-postal charges.*

Customs and other non-postal charges.

Customs charges and all other non-postal charges shall be paid by the addressees of parcels, except as provided otherwise in this Agreement.



## ARTICLE IX.

*Warehousing charge.*

Each of the two Administrations may collect any warehousing charge fixed by its regulations for a parcel which is addressed "Poste Restante" or which is not claimed within the prescribed period.

This charge shall in no case exceed 5 francs.

Warehousing charge.

## ARTICLE X.

*Prohibitions.*

1. Postal parcels must not contain any letter, note, or document having the character of an actual and personal correspondence or packets of any kind bearing an address other than that of the addressee of the parcel or of persons dwelling with him.

Articles specified.  
Letters, etc.

It is, however, permissible to enclose in a parcel an open invoice confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel.

Exceptions.

2. It is also forbidden to enclose in a parcel:—

(a) Articles which from their nature or packing may be a source of danger to the officers of the Post Office or may soil or damage other parcels.

Dangerous articles.

(b) Explosive, inflammable, or dangerous substances (including loaded metal caps, live cartridges, and matches).

Explosive, etc., substances.

(c) Living animals, except bees, leeches, and silkworms which must be packed in suitably constructed boxes.

Living animals; exceptions.

(d) Articles the admission of which is forbidden by law, or by the customs or other regulations.

Nonadmissible articles.

(e) Articles of an obscene or immoral nature.

Obscene, etc., articles.  
Coin, etc.

It is, moreover, forbidden to send coin, platinum, gold, or silver whether manufactured or unmanufactured, precious stones, jewels, or other precious articles in uninsured parcels.

3. A parcel which has been wrongly admitted to the post shall be returned to the country of origin, unless the Administration of destination is authorized by its legislation to dispose of it otherwise.

Parcels wrongly admitted.

Nevertheless, the fact that a parcel contains a letter or communications which constitute an actual and personal correspondence shall not, in any case, entail its return to the country of origin.

Parcels which contain a letter.

4. Explosive, inflammable, or dangerous substances and articles of an obscene or immoral nature shall not be returned to the country of origin; they shall be disposed of by the Administration which has found them in the mails in accordance with its own internal regulations.

Disposition of explosives, etc.

5. If a parcel wrongly admitted to the post is neither returned to origin nor delivered to the addressee the Administration of origin shall be informed in a precise manner of the treatment accorded to the parcel in order that it may take such steps as are necessary.

Action with respect to certain wrongly admitted parcels.

## ARTICLE XI.

*Advice of delivery.*

1. The sender may obtain an advice of delivery for an insured parcel under the conditions prescribed for postal packets by the Convention of the Universal Postal Union. An advice of delivery cannot be obtained for an uninsured parcel.

Advice of delivery.

2. The Administration of origin may collect from the sender who requests an advice of delivery, such fee as may from time to time be prescribed by its regulations.

Fee.

## ARTICLE XII.

*Redirection.***Redirection.**

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination. The Administration of destination may collect the redirection charge prescribed by its internal regulations. Similarly, a parcel may be redirected from one of the two countries which are parties to this Agreement to a third country provided that the parcel complies with the conditions required for its further conveyance and provided, as a rule, that the extra postage is prepaid at the time of redirection or documentary evidence is produced that the addressee will pay it.

2. Additional charges levied in respect of redirection and not paid by the addressee or his representative shall not be canceled in case of further redirection or of return to origin, but shall be collected from the addressee or from the sender as the case may be, without prejudice to the payment of any special charges incurred which the Administration of destination does not agree to cancel.

## ARTICLE XIII.

*Missent parcels.***Missent parcels.**

Parcels received out of course, or wrongly allowed to be dispatched, shall be retransmitted or returned in accordance with the provisions of Article 1, Section 2 and Article 15, Sections 1 and 2 of the Detailed Regulations.

*Post*, pp. 1996, 2003.

## ARTICLE XIV.

*Non-delivery.***Non-delivery.**

1. The sender may request at the time of posting that, if the parcel cannot be delivered as addressed, it may be either (a) treated as abandoned or (b) tendered for delivery at a second address in the country of destination. No other alternative is admissible. If the sender avails himself of this facility, his request must appear on the dispatch note and must be in conformity with or analogous to one of the following forms:—

“If not deliverable as addressed, abandon.”

“If not deliverable as addressed, deliver to . . . . .”

The same request must also be written on the cover of the parcel.

2. In the absence of a request by the sender to the contrary, a parcel that cannot be delivered shall be returned to the sender without previous notification and at his expense thirty days after its arrival at the office of destination.

Nevertheless, a parcel which is definitely refused by the addressee shall be returned immediately.

3. The charges due on returned undeliverable parcels shall be recovered in accordance with the provisions of Article XXIX.

## ARTICLE XV.

*Cancellation of customs charges.***Cancellation of customs charges.**

The customs charges on parcels sent back to the country of origin or redirected to another country shall be canceled both in British Guiana and the United States of America.

## ARTICLE XVI.

*Sale. Destruction.*

Articles of which the early deterioration or corruption is to be expected, and these only, may be sold immediately, even when in transit on the outward or return journey, without previous notice or judicial formality. If for any reason a sale is impossible, the spoilt or putrid articles shall be destroyed.

Sale or destruction  
of articles liable to  
deterioration.

## ARTICLE XVII.

*Abandoned parcels.*

Parcels which cannot be delivered to the addressees and which the senders have abandoned shall not be returned by the Administration of destination, but shall be treated in accordance with its regulations. No claim shall be made by the Administration of destination against the Administration of origin in respect of such parcels.

Abandoned parcels.

## ARTICLE XVIII.

*Inquiries.*

1. A fee not exceeding 60 centimes may be charged for every inquiry concerning a parcel.

Inquiries.

No fee shall be charged if the sender has already paid the special fee for an advice of delivery.

2. Inquiries shall be admitted only if made by the sender within the period of one year from the day following the date of posting of the parcel.

3. When an inquiry is the outcome of an irregularity in the postal service, the inquiry fee shall be refunded.

## ARTICLE XIX.

*Insured parcels. Rates and conditions.*

1. Parcels may be insured up to a limit of 500 francs or its equivalent in the currency of the country of origin.

Insured parcels.

2. The Administration of origin is entitled to collect from the sender of an insured parcel an insurance fee fixed according to its internal regulations.

Rates and condi-  
tions.

3. The Administration of origin is also entitled to collect from the sender of an insured parcel a dispatch fee not exceeding 50 centimes.

4. A receipt must be given free of charge at the time of posting, to the sender of an insured parcel.

## ARTICLE XX.

*Fraudulent insurance.*

The insured value may not exceed the actual value of the contents of the parcel but it is permitted to insure only part of this value.

Fraudulent insur-  
ance.

The fraudulent insurance of a parcel for a sum exceeding the actual value shall be subject to any legal proceedings which may be admitted by the laws of the country of origin.

A parcel the contents of which have no pecuniary value may, however, be insured for a nominal sum in order to obtain the safeguards of the insurance system.

## ARTICLE XXI.

*Responsibility for loss, damage, or abstraction.*

Responsibility for  
loss, damage, or ab-  
straction.

1. Except in the cases mentioned in the following article, the two Administrations shall be responsible for the loss of insured parcels only and for the loss, damage, or abstraction of their contents or of a part thereof.

The sender or other rightful claimant is entitled under this head to compensation corresponding to the actual amount of the loss, damage, or abstraction.

The amount of compensation for an insured parcel shall not exceed the amount for which it was insured.

In cases where the loss, damage, or abstraction occurs in the service of the country of destination, the Administration of destination may pay compensation to the addressee at its own expense and without consulting the Administration of origin, provided that the addressee can prove that the sender has waived his rights in the addressee's favor.

2. In calculating the amount of compensation, indirect loss, or loss of profits shall not be taken into consideration.

3. Compensation shall be calculated on the current price of goods of the same nature at the place and time at which the goods were accepted for transmission or, in the absence of current price, at the ordinary estimated value.

4. Where compensation is due for the loss, destruction, or complete damage of an insured parcel or for the abstraction of the whole of the contents, the sender is entitled to the return of the postage also, if claimed.

5. In all cases insurance fees and, if the case arises, the dispatch fee, shall be retained by the Administrations concerned.

6. In the absence of special agreement to the contrary between the countries involved, which agreement may be made by correspondence, no indemnity will be paid by either country for the loss of transit insured parcels, that is, parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries or parcels originating in one of the two contracting countries and destined for a country not participating in this Agreement.

7. When an insured parcel originating in one country and destined to be delivered in the other country is reforwarded from there to a third country or is returned to a third country, at the request of the sender or of the addressee, the party entitled to the indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim, in such a case, only to the indemnity which the country where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

## ARTICLE XXII.

*Exceptions to the principle of responsibility.*

Exceptions to the  
principle of responsi-  
bility.

The two Administrations shall be relieved from all responsibility:—  
(a) In cases beyond control (force majeure).

(b) When, their responsibility not having been proved otherwise, they are unable to account for parcels in consequence of the destruc-

tion of official documents through a cause beyond control (force majeure).

(c) When the damage has been caused by the fault or negligence of the sender, or when it arises from the nature of the article.

(d) For parcels the contents of which fall under the ban of one of the prohibitions mentioned in Article X.

(e) For parcels which have been fraudulently insured for a sum exceeding the actual value of the contents, or for parcels seized by the Customs for false declaration of contents.

(f) In respect of parcels regarding which the sender has not made inquiry within the period prescribed by Article XVIII.

(g) In respect of any parcels containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding 2,500 francs in value not packed in a box of the size prescribed by Article 6, Section 3, of the Detailed Regulations.

*Post*, p. 2000.

(h) For parcels which contain matter of no intrinsic value or perishable matter, or which did not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

#### ARTICLE XXIII.

##### *Termination of responsibility.*

The two Administrations shall cease to be responsible for parcels which have been delivered in accordance with their internal regulations and of which the owners or their agents have accepted delivery without reservation.

Termination of responsibility.

Responsibility is, however, maintained when the addressee or, in case of return, the sender makes reservations in taking delivery of a parcel the contents of which have been abstracted or damaged.

#### ARTICLE XXIV.

##### *Payment of compensation.*

The payment of compensation shall be undertaken by the Administration of origin except in the cases indicated in Article XXI, Section 1, where payment is made by the Administration of destination. The Administration of origin may, however, after obtaining the sender's consent authorize the Administration of destination to settle with the addressee. The paying Administration retains the right to make a claim against the Administration responsible.

Payment of compensation.

#### ARTICLE XXV.

##### *Period for payment of compensation.*

1. Compensation shall be paid as soon as possible and, at the latest, within one year from the day following the date of the inquiry.

Period for payment of compensation.

2. The Administration responsible for making payment is authorized to settle with the claimant on behalf of the other Administration if the latter, after being duly informed of the application, has let nine months pass without giving a decision in the matter.

3. The Administration responsible for making payment may, exceptionally, postpone it beyond the period of one year when a decision has not yet been reached upon the question whether the loss, damage, or abstraction is due to a cause beyond control.

## ARTICLE XXVI.

*Incidence of cost of compensation.*

Incidence of cost of compensation.

1. Until the contrary is proved responsibility shall rest with the Administration which, having received the parcel from the other Administration without making any reservation and having been furnished with all the particulars for investigation prescribed by the regulations, cannot establish either proper delivery to the addressee or his agent, or other proper disposal of the parcel.

2. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred in the service of the receiving Administration.

3. If, in the case of a parcel dispatched from one of the two countries for delivery in the other, the loss, damage, or abstraction has occurred in course of conveyance without it being possible to prove in the service of which country the irregularity took place, the two Administrations shall bear the amount of compensation in equal shares.

4. By paying compensation the Administration concerned takes over, to the extent of the amount paid, the rights of the person who has received compensation in any action which may be taken against the addressee, the sender, or a third party.

5. If a parcel which has been regarded as lost is subsequently found, in whole or in part, the person to whom compensation has been paid shall be informed that he is at liberty to take possession of the parcel against repayment of the amount paid as compensation.

## ARTICLE XXVII.

*Repayment of the compensation to the Administration of origin.*

Repayment of compensation to Administration of origin.

The Administration responsible and on whose account the payment is made in accordance with Article XXIV is bound to repay the amount of the compensation within a period of six months after notification of payment. The amount shall be recovered from the Administration responsible through the accounts provided for in Article 21 of the Detailed Regulations.

Foot, p. 2005.

The Administration whose responsibility is duly proved and which has originally declined to pay compensation is bound to bear all the additional charges resulting from the unwarranted delay in payment.

## ARTICLE XXVIII.

*Credits for conveyance.*

Credits for conveyance.

For each parcel dispatched from one of the two countries for delivery in the other, the dispatching office shall allow to the office of destination the rates which accrue to it by virtue of the provisions of Articles IV and V.

For each parcel dispatched from one of the two countries in transit through the other, the dispatching office shall allow to the other office the rates due for the conveyance and insurance of the parcel.

## ARTICLE XXIX.

*Claims in case of redirection or return.*

In case of the redirection or of the return of a parcel from one country to the other, the retransmitting Administration shall claim from the other Administration the charges due to it and to any other Administration taking part in the redirection or return. The claim shall be made on the parcel bill relating to the mail in which the parcel is forwarded.

Claims in case of redirection or return.

## ARTICLE XXX.

*Charge for redirection in the country of destination.*

In case of further redirection or of return to the country of origin, the redirection charge prescribed by Article XII, Section 1, shall accrue to the country which redirected the parcel within its own territory.

Charge for redirection in country of destination.

## ARTICLE XXXI.

*Miscellaneous fees.*

The following fees shall be retained in full by the Administration which has collected them:—

Miscellaneous fees.

- (a) The fee for advice of delivery referred to in Article XI.
- (b) The inquiry fee referred to in Article XVIII, Section 1.
- (c) The dispatch fee for an insured parcel referred to in Article XIX, Section 3.
- (d) The fee for customs clearance referred to in Article VI.
- (e) The delivery fee referred to in Article VII.

## ARTICLE XXXII.

*Insurance fee.*

Each Administration shall retain for itself the insurance fee payable on insured parcels.

Insurance fee.

## ARTICLE XXXIII.

*Recall and change of address.*

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be altered. The Postal Administration of the country of origin may collect and retain for the service, the charge fixed by its internal regulations. The requests for recall or change of address of parcels to be delivered in the United States of America shall be addressed to the Central Administration at Washington; those relating to parcels for delivery in British Guiana shall be addressed to the Postmaster General, Georgetown.

Recall and change of address.

## ARTICLE XXXIV.

*Miscellaneous provisions.*

1. The francs and centimes mentioned in this Agreement are gold francs and centimes as defined in the Universal Postal Union Convention.

Miscellaneous provisions.  
49 Stat. 2757.

Not subject to other postal charges.

2. Parcels shall not be subjected to any postal charges other than those contemplated in this Agreement except by mutual consent of the two Administrations.

Temporary suspension of service.

3. In extraordinary circumstances, either Administration may temporarily suspend the parcel post, either entirely or partially, on condition of giving immediate notice, if necessary by telegraph, to the other Administration.

Mutual arrangement of details.

4. The two Administrations have drawn up the following Detailed Regulations for insuring the execution of the present Agreement. Further matters of detail not inconsistent with the general provisions of this Agreement and not provided for in the Detailed Regulations may be arranged from time to time by mutual consent.

Application of internal regulations

5. The internal regulations of British Guiana and the United States of America shall remain applicable as regards everything not provided for by the stipulations contained in the present Agreement and in the Detailed Regulations for its execution.

#### ARTICLE XXXV.

##### *Entry into force and duration of the agreement.*

Entry into force and duration of the Agreement  
27 Stat. 935.

1. This Agreement substitutes and abrogates the Parcels Post Convention signed at Washington, the third day of February, 1892.

2. It shall come into force on the first day of October 1938, and shall remain in operation until the expiration of six months from the date on which it may have been denounced by either of the two Administrations.

Signatures

In witness whereof the undersigned, duly authorized for that purpose, have signed the present Agreement and have affixed their seals thereto.

Done in duplicate and signed at Washington, the 6th day of September 1938 and at Georgetown, the 13th day of August. 1938.

[SEAL]

JAMES A. FARLEY

*The Postmaster General of the United States of America.*

[SEAL]

J. O. REILLY

*The Postmaster General of British Guiana.*

Approval by the President.

The foregoing Agreement between the United States of America and British Guiana for the exchange of parcels by parcel post has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.

CORDELL HULL

*Secretary of State.*

WASHINGTON, September 12, 1938.



## DETAILED REGULATIONS FOR CARRYING OUT THE PARCEL POST AGREEMENT BETWEEN BRITISH GUIANA AND THE UNITED STATES OF AMERICA.

### ARTICLE 1.

#### *Circulation.*

1. Each Administration shall forward by the routes and means which it uses for its own parcels, parcels delivered to it by the other Administration for conveyance in transit through its territory.

Circulation.

2. Missent parcels shall be retransmitted to their proper destination by the most direct route at the disposal of the office retransmitting them. Insured parcels, when missent, may not be reforwarded to their destination except as insured mail. If this is impossible, they must be returned to origin.

### ARTICLE 2.

#### *Method of transmission. Provision of bags.*

1. The exchange of parcels between the two countries shall be effected by the offices appointed by agreement between the two Administrations.

Method of transmission.

2. Parcels shall be exchanged between the two countries in bags duly fastened and sealed.

Provision as to bags, labels, etc.

In the absence of any arrangement to the contrary, the transmission of parcels dispatched by one of the two contracting countries in transit through the other shall be effected "à découvert".

3. A label showing the office of exchange of origin and the office of exchange of destination shall be attached to the neck of each bag, the number of parcels contained in the bag being indicated on the back of the label.

4. The bag containing the parcel bill and other documents shall be distinctively labeled.

5. Insured parcels shall be forwarded in separate bags from ordinary parcels. The neck label attached to any bag containing insured parcels shall be marked with any distinctive symbol that may from time to time be agreed upon by the two Administrations.

6. The weight of any bag of parcels shall not exceed 36 kilograms (80 pounds avoirdupois).

Weight.

7. The Postal Administrations of British Guiana and the United States of America shall provide the respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.

8. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are to be made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

9. Each Administration shall be required to make good the value of any bags which it fails to return.

## ARTICLE 3.

*Information to be furnished.*

Information to be  
furnished.

1. Each Administration shall communicate to the other Administration all necessary information on points of detail in connection with the exchange of parcels between the two Administrations and also:—

(a) The names of the countries to which it can forward parcels handed over to it.

(b) The routes available for the transmission of the said parcels from the point of entry into its territory or into its service.

(c) The total amount to be credited to it by the other Administration for each destination.

(d) The number of customs declarations which must accompany each parcel.

(e) Any other necessary information.

2. Each Administration shall make known to the other the names of the countries to which it intends to send parcels in transit through the other.

## ARTICLE 4.

*Fixing of equivalents.*

Fixing of equivalent.

In fixing the charges for parcels, either Administration shall be at liberty to adopt such approximate equivalents as may be convenient in its own currency.

## ARTICLE 5.

*Make-up of parcels.*

Every parcel shall:—

Make-up of parcels.

(a) Bear the exact address of the addressee in roman characters. Addresses in pencil shall not be allowed except that parcels bearing addresses written with indelible pencil on a surface previously dampened shall be accepted. The address shall be written on the parcel itself or on a label so firmly attached to it that it cannot become detached. The sender of a parcel shall be advised to enclose in the parcel a copy of the address together with a note of his own address.

Packing.

(b) Be packed in a manner adequate for the length of the journey and for the protection of the contents.

Articles liable to injure officers of the Post Office or to damage other parcels shall be so packed as to prevent any risk.

## ARTICLE 6.

*Special packing.*

Special packing.

1. Liquids and substances which easily liquefy shall be packed in two receptacles. Between the first receptacle (bottle, flask, pot, box, etc.) and the second (box of metal or of stout wood, or strong fiber-board of equal strength) shall be left a space which shall be filled with sawdust, bran, or some other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage.

2. Dry coloring powders such as aniline blue, etc., shall be admitted only if enclosed in stout metal boxes placed inside wooden boxes with sawdust between the two receptacles.

3. Every parcel containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding 2,500 francs in value shall be packed in a box measuring not less than 3 feet 6 inches (1.05 meters) in length and girth combined.

## ARTICLE 7.

*Dispatch notes and customs declarations.*

1. Each parcel shall be accompanied by a dispatch note and by a set of customs declarations according to the regulations of the country of destination. The customs declarations and dispatch notes relating to parcels sent to the United States of America shall be firmly attached to the parcels; the customs declarations relating to parcels sent to British Guiana shall be firmly attached to the dispatch notes and these in turn must be firmly attached to the parcels.

Dispatch notes and  
customs declarations.

2. Nevertheless, a single dispatch note and a single set of customs declarations may suffice for two or three (but not more) ordinary parcels posted at the same time by the same sender to the same addressee. This provision shall not apply to insured parcels.

3. The two Administrations accept no responsibility in respect of the accuracy of customs declarations.

## ARTICLE 8.

*Advice of delivery.*

1. Insured parcels of which the senders ask for an advice of delivery shall be very prominently marked "Advice of Delivery" or "A. R."

Advice of delivery.

2. Such parcels shall be accompanied by a form similar to that annexed to the Detailed Regulations of the Convention of the Postal Union. This advice of delivery form shall be prepared by the office of origin or by any other office appointed by the Administration of origin and shall be firmly attached to the dispatch note of the parcel to which it relates in the case of parcels sent to British Guiana, and to the parcels to which it relates in the case of parcels sent to the United States of America. If it does not reach the office of destination, that office shall make out officially a new advice of delivery form.

3. The office of destination, after having duly filled out the form, shall return it, by ordinary post, unenclosed and free of postage to the address of the sender of the parcel.

4. When the sender makes inquiry concerning an advice of delivery which has not been returned to him after a reasonable interval, action shall be taken in accordance with the rules laid down in Article 9 following. In that case a second fee shall not be charged, and the office of origin shall enter the words "Duplicate advice of delivery" at the top of the form.

## ARTICLE 9.

*Advice of delivery applied for after posting.*

When the sender applies for an advice of delivery after an insured parcel has been posted, the office of origin or any other office appointed by the Administration of origin shall fill out an advice of delivery form and shall attach it to a form of inquiry.

Advice of delivery  
applied for after post-  
ing.

The form of inquiry accompanied by the advice of delivery form shall be handled the same as provided in the Detailed Regulations of the Convention of the Universal Postal Union for similar forms. In the case of the due delivery of the parcel, the office of destination shall withdraw the form of inquiry and shall return the advice of delivery form in the manner prescribed in paragraph 3 of the preceding article.

## ARTICLE 10.

*Indication of insured value.*

Indication of insured value.

Every insured parcel and the relative dispatch note shall bear an indication of the insured value in the currency of the country of origin. The indication on the parcel shall be in both words and figures. The amount of the insured value shall be converted into gold francs by the Administration of origin. The result of the conversion shall be indicated distinctly by new figures placed beside or below those representing the amount of the insured value in the currency of the country of origin.

## ARTICLE 11.

*Insurance numbers, labels, seals.*

Insurance numbers, labels, seals.

Every insured parcel and its dispatch note as well shall bear on the address side, an insurance number and a small red label with the words "Insured" or "Valeur déclarée" in large letters, or these words shall be marked or stamped on the parcel and the dispatch note.

The wax or other seals, the labels of whatever kind, and any postage stamps affixed to insured parcels shall be so spaced that they cannot conceal injuries to the cover. Moreover, the labels and postage stamps, if any, shall not be folded over two sides of the cover so as to hide the edge.

## ARTICLE 12.

*Sealing of parcels.*

Sealing of parcels.

Ordinary parcels may be sealed at the option of the senders or careful tying is sufficient as a mode of closing.

Every insured parcel shall be sealed by means of wax or by lead or other seals, the seals being sufficient in number to render it impossible to tamper with the contents without leaving an obvious trace of violation. Either Administration may require a special design or mark of the sender on the sealing of insured parcels mailed in its service, as a means of protection.

The Customs Administration of the country of destination is authorized to open the parcels. To that end, the seals or other fastenings may be broken. Parcels opened by the Customs must be refastened and also officially resealed.

The senders of insured parcels shall be strongly recommended to furnish the relative dispatch note, whenever possible, with an exact reproduction of the seal referred to above.

## ARTICLE 13.

*Indication of weight of insured parcels.*

Indication of weight of insured parcels.

The exact weight of each insured parcel in grams or in pounds and ounces shall be entered by the Administration of origin:—

- (a) on the address side of the parcel;
- (b) on the dispatch note, in the place reserved for this purpose.

## ARTICLE 14.

*Place of posting.*

Place of posting.

Each parcel and the relative dispatch note as well shall bear the name of the office and the date of posting.

## ARTICLE 15.

*Retransmission.*

1. The Administration retransmitting a missent parcel shall not levy customs or other non-postal charges upon it.

Retransmission.

When an Administration returns such a parcel to the country from which it has been directly received, it shall refund the credits received and report the error by means of a verification note.

In other cases, and if the amount credited to it is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration shall allow to the Administration to which it forwards the parcel, the credits due for onward conveyance; it shall then recover the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim shall be notified to the latter by means of a verification note.

2. When a parcel has been wrongly allowed to be dispatched in consequence of an error attributable to the postal service and has, for this reason, to be returned to the country of origin, the Administration which sends the parcel back shall allow to the Administration from which it was received the sums credited in respect of it.

3. The charges on a parcel redirected, in consequence of the removal of the addressee or of an error on the part of the sender, to a country with which British Guiana or the United States of America has parcel-post communication shall be claimed from the Administration to which the parcel is forwarded, unless the charge for conveyance is paid at the time of redirection, in which case the parcel shall be dealt with as if it had been addressed directly from the retransmitting country to the new country of destination. In case the third country to which the parcel is forwarded refuses to assume the charges because they cannot be collected from the sender or the addressee, as the case may be, or for any other reason, they shall be charged back to the country of origin.

4. A parcel which is redirected shall be retransmitted in its original packing and shall be accompanied by the original dispatch note. If the parcel, for any reason whatsoever, has to be repacked or if the original dispatch note has to be replaced by a substitute note, the name of the office of origin of the parcel and the original serial number and, if possible, the date of posting at that office shall be entered both on the parcel and on the dispatch note.

## ARTICLE 16.

*Return of undeliverable parcels.*

1. If the sender of an undeliverable parcel has made a request not provided for by Article XIV, Section 1 of the Agreement, the Administration of destination need not comply with it but may return the parcel to the country of origin, after retention for the prescribed period.

Return of undeliverable parcels.  
Art. p. 1992.

2. The administration which returns a parcel to the sender shall indicate clearly and concisely on the parcel and on the relative dispatch note the cause of non-delivery. This information may be furnished in manuscript or by means of a stamped impression or label. The original dispatch note belonging to the returned parcel must be sent back to the country of origin with the parcel.

3. A parcel to be returned to the sender as undeliverable shall be entered on the parcel bill with the word "Rebut" in the "Observations" column. It shall be dealt with and charged like a parcel redirected in consequence of the removal of the addressee.

## ARTICLE 17.

*Sale. Destruction.*

Sale or destruction.  
*Ante*, p. 1993.

1. When an insured parcel has been sold or destroyed in accordance with the provisions of Article XVI of the Agreement, a report of the sale or destruction shall be prepared, a copy of which shall be transmitted to the Administration of origin.

## ARTICLE 18.

*Inquiries concerning parcels.*

Inquiries concern-  
 ing parcels.

For inquiries concerning parcels, which have not been returned, a form shall be used similar to the specimen annexed to the Detailed Regulations of the Parcel Post Agreement of the Universal Postal Union. These forms shall be forwarded to the offices appointed by the two Administrations to deal with them and they shall be dealt with in the manner mutually arranged between the two Administrations.

## ARTICLE 19.

*Parcel Bill.*

Parcel bill.

1. Separate parcel bills must be prepared for the ordinary parcels on the one hand and for the insured parcels on the other hand. The parcel bills are prepared in duplicate. The original is sent in the regular mails, while the duplicate is enclosed in one of the bags. The bag containing the parcel bill is designated with the word "BILL" traced in a conspicuous manner on the label.

2. All parcels forwarded by either Administration must be listed individually on the parcel bills. The classes of parcels (a) up to 11 pounds and (b) from 11 pounds to 22 pounds, must also be shown, together with the total number of parcels and the total net weight thereof.

3. Parcels sent a *decouvert* must be entered separately.

4. In the case of returned or redirected parcels the word "Returned" or "Redirected" as the case may be, must be entered on the bill against the individual entry. A statement of the charges which may be due on these parcels should be shown in the "Observations" column.

5. The total number of bags comprising each dispatch must also be shown on the parcel bill.

6. Each dispatching office of exchange shall number the parcel bills in the top left-hand corner in an annual series for each office of exchange of destination, and as far as possible shall enter below the number the name of the ship conveying the mail. A note of the last number of the year shall be made on the first parcel bill of the following year.

## ARTICLE 20.

*Check by offices of exchange. Notification of irregularities.*

Check by offices of  
 exchange.

1. On the receipt of a mail, whether of parcels or of empty bags, the office of exchange shall check the parcels and the various documents which accompany them, or the empty bags as the case may be, against the particulars entered on the relative parcel bill and, if necessary, shall report missing articles or other irregularities by means of a verification note.

2. Any discrepancies in the credits and accounting shall be notified to the dispatching office of exchange by verification note. The accepted verification notes shall be attached to the parcel bills to which they relate. Corrections made on parcel bills not supported by vouchers shall not be considered valid.

Notification of irregularities.

#### ARTICLE 21.

##### *Accounting for credits.*

1. Each Administration shall cause each of its offices of exchange to prepare monthly for all the parcel mails dispatched to it during the month by each of the offices of exchange of the other Administration a statement of the total amounts entered on the parcel bills, whether to its credit or to its debit.

Accounting for credits.

2. These statements shall be afterwards summarized by the same Administrations in quarterly accounts which, accompanied by the parcel bills relating thereto, shall be forwarded to the corresponding Administration in the course of the quarter following that to which it relates.

3. The recapitulation, transmission, examination, and acceptance of these accounts must not be delayed. After acceptance, the accounts shall be summarized in a quarterly general account prepared by the Administration to which the balance is due and the payment of the balance shall take place, at the latest, at the expiration of the following quarter. After the expiration of this term, the sums due from one Administration to the other shall bear interest at the rate of 5 per cent per annum to be reckoned from the date of expiration to the said term. The balance due must be paid by sight draft drawn on New York, or by some other means mutually agreed upon by correspondence.

#### ARTICLE 22.

##### *Entry into force and duration of the Detailed Regulations.*

The present Detailed Regulations shall come into force on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement. The Administrations concerned shall, however, have the power by mutual consent to modify the details from time to time.

Entry into force and duration of the Detailed Regulations.

Done in duplicate and signed at Washington, the 6th day of September 1938 and at Georgetown, the 13<sup>th</sup> day of August, 1938.

Signatures.

[SEAL]

JAMES A. FARLEY

*Postmaster General of the United States of America.*

J. O. REILLY

*Postmaster General of British Guiana.*

The foregoing Regulations for the Execution of the Parcel Post Agreement between the United States of America and British Guiana have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

Approval by the President.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.

CORDELL HULL

*Secretary of State.*

WASHINGTON, September 12, 1938.

October 11, 1938  
October 31, 1938

*Agreement between Iceland and the United States of America concerning the exchange of parcel post, with regulations for execution. Signed at Reykjavik October 11, 1938 and at Washington October 31, 1938; approved by the President November 10, 1938.*

## AGREEMENT BETWEEN ICELAND AND THE UNITED STATES OF AMERICA CONCERNING THE EXCHANGE OF PARCEL POST

Agreement with  
Iceland concerning  
exchange of parcel  
post.

The undersigned, provided with full powers by their respective governments, have by mutual consent and subject to ratification by the competent superior authorities, drawn up the following Agreement:

### ARTICLE I.

#### *Object of the Agreement.*

Territory em-  
braced.

Between the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) and Iceland, there may be exchanged under the denomination of parcel post, parcels up to the maximum weight and the maximum dimensions indicated in the Regulations of Execution.

Post, p. 2015.

### ARTICLE II.

#### *Transit parcels.*

Right of transit.

1. Each Postal Administration guarantees the right of transit through its service, to or from any country with which it has parcel-post communication, of parcels originating in, or addressed for delivery in the service of, the other contracting Administration.

Intermediate Ad-  
ministrations.

2. Each Postal Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor, as well as other conditions.

3. To be accepted for onward transmission, parcels sent by one of the contracting Administrations through the service of the other Administration must comply with the conditions prescribed from time to time by the intermediate Administration.

### ARTICLE III.

#### *Postage and fees.*

Postage and fees.

1. The Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted, and also, in the case of insured parcels, the insurance fees and the fees for return receipts that may from time to time be prescribed by its regulations.

Prepayment.

2. Except in the case of returned or redirected parcels, the postage and such of the fees mentioned in the preceding section as are applicable must be prepaid.



## ARTICLE IV.

*Preparation of parcels.*

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Regulations of Execution.

Packing.

Post, p. 215.

## ARTICLE V.

*Prohibitions.*

1. The following articles are prohibited transmission by parcel post:

Articles specified.

(a) A letter or a communication having the nature of a letter. Nevertheless, it is permitted to enclose in a parcel an open invoice confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, that of the sender being added.

Letters, etc.

(b) An enclosure which bears an address different from that placed on the cover of the parcel.

Enclosure bearing different address.

(c) Any live animal, except leeches.

Live animals; exception.

(d) Any article the admission of which is forbidden by the customs or other laws or regulations in force in either country.

Articles not admissible by customs, etc., laws.

(e) Any explosive or inflammable article and, in general, any article the conveyance of which is dangerous, including articles which from their nature or packing may be a source of danger to postal employees or may soil or damage other articles.

Explosive, etc., articles.

(f) Articles of an obscene or immoral nature.

Obscene, etc., articles.

(g) It is, moreover, forbidden to send coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles in uninsured parcels.

Coin, etc.

If a parcel which contains coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles is sent uninsured, it shall be placed under insurance by the country of destination and treated accordingly.

Treatment.

2. If a parcel contravening any of these prohibitions is handed over by one Administration to the other, the latter shall proceed in accordance with its laws and inland regulations. Explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals, may be destroyed on the spot by the Administration which finds them in the mails.

Action to be taken.

The fact that a parcel contains a letter or a communication having the nature of a letter may not, in any case, entail return of the parcel to the sender. The letter is, however, marked for collection of postage due from the addressee at the regular rate.

Parcel containing a letter.

The two Administrations advise each other by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union of all prohibited articles. However, they do not on that account assume any responsibility towards the customs or police authorities, or the sender.

List of Prohibited Articles.

## ARTICLE VI.

*Insurance.*

Parcels may be insured up to the amount of 500 gold francs or its equivalent in the currency of the country of origin. However, the

Maximum amount.

Chiefs of the Postal Administrations of the two contracting countries may, by mutual consent, increase or decrease this maximum amount of insurance.

**Limitation.**

A parcel cannot give rise to the right to an indemnity higher than the actual value of its contents; but it is permissible to insure it for only part of that value.

**ARTICLE VII.**

*Indemnity.*

**Responsibility.**

1. Except in the cases mentioned in the section following, the Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the loss, abstraction of, or damage to their contents or a part thereof.

**Indemnity.**

The sender or other rightful claimant is entitled on this account to an indemnity corresponding to the actual amount of the loss, abstraction, or damage. The amount of indemnity is calculated on the basis of the actual value (current price or, in the absence of current price, the ordinary estimated value) at the time and place of mailing the parcel, provided in any case that the indemnity shall not exceed the amount for which the parcel was insured and on which the insurance fee has been collected, or the maximum of 500 gold francs.

**Return of postage on loss of parcel.**

In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the sender is entitled to return of the postal charges, if claimed. However, the insurance fees are not returned in any case.

**Parcels originating in a third country.**

In the absence of special agreement to the contrary between the countries involved, no indemnity will be paid by either country for the loss of transit parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries or parcels originating in one of the two contracting countries and destined for a country not participating in this Agreement.

**Parcels reforwarded to a third country.**

When an insured parcel originating in one country and addressed for delivery in the other is reforwarded from there to a third country or is returned to a third country at the request of the sender or addressee, the party entitled to the indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim in such cases only to the indemnity which the country where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

**Responsibility for error.**

**Nonresponsibility in designated cases. Unconditional acceptance.**

**Loss, etc., through force majeure.**

**Destruction of official documents.**

2. The Administrations are relieved from all responsibility:

(a) In case of parcels of which the addressee has accepted delivery without reservation.

(b) In case of loss or damage through force majeure, although either Administration may at its option and without recourse to the other Administration pay indemnity for loss or damage due to force majeure even in cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure.

(c) When they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

(d) When the damage has been caused by the fault or negligence of the sender, or the addressee, or the representative of either; or when it is due to the nature of the article.

Damage through fault of sender, addressee, etc.

(e) For parcels which contain prohibited articles.

Prohibited articles.

(f) In case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin.

Declared above real value.

(g) For parcels seized by the Customs because of false declaration of contents.

Seized, because of false declaration.

(h) When no inquiry or application for indemnity has been made by the claimant or his representative within a year commencing with the day following the posting of the insured parcel.

Unclaimed within a year.

(i) For parcels which contain matter of no intrinsic value or perishable matter, or which did not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

Matter of no intrinsic value, etc.

3. No compensation shall be given for indirect loss or loss of profits of any parcel transmitted under this Agreement.

Indirect loss, etc.

4. The payment of compensation for an insured parcel shall be made to the rightful claimant as soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

Indemnity payment.

However, the paying Postal Administration may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

Deferment of payment.

5. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes payment of compensation is authorized to pay indemnity on behalf of the office which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

Payment of indemnity after nine months delay.

6. The obligation of paying the indemnity shall rest with the Postal Administration to which the mailing office is subordinate; provided that in cases where the indemnity is paid to the addressee in accordance with the second paragraph of the first section, it shall rest with the Postal Administration of destination.

Administration responsible.

The paying Administration retains the right to make a claim against the Administration responsible.

7. Until the contrary is proved, responsibility for an insured parcel rests with the Postal Administration which, having received the parcel without making any observation and being furnished all necessary particulars for inquiry, is unable to show its proper disposition.

8. Responsibility for loss, abstraction, or damage of an insured parcel discovered by the receiving exchange office at the time of opening the receptacles and duly notified to the dispatching exchange office by bulletin of verification shall fall upon the Postal Administration to which the dispatching exchange office is subordinate, unless it be proved that the damage occurred in the service of the receiving Administration.

9. If the loss, abstraction, or damage has occurred in course of conveyance without its being possible to ascertain in which service the irregularity took place, the Postal Administrations concerned bear the loss in equal shares.

10. The Postal Administration responsible or on whose account payment is made in accordance with section 5 is bound to repay to the country making payment on its behalf, without delay and within not more than six months after receiving notice of payment, the amount of indemnity paid.

11. Repayments are to be made free of cost to the creditor Administration by means of either a money order or a draft, in money valid in the creditor country, or by such other means as may be mutually agreed upon by correspondence.

12. The responsibility of properly enclosing, packing, and sealing insured parcels rests upon the sender, and the postal service of neither country will assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of posting.

13. The Postal Administrations of the two contracting countries will not be responsible for the loss, abstraction, or damage of an ordinary parcel; but either Administration is at liberty to pay indemnity for the loss, abstraction, or damage which may occur in its service, without recourse to the other Administration.

### ARTICLE VIII.

#### *Certificate of mailing. Receipts.*

Furnished sender on request.

On request made at the time of mailing an ordinary (uninsured) parcel, the sender will receive a certificate of mailing from the post office where the parcel is mailed, on a form provided for the purpose; and each country may fix a reasonable fee therefor.

Receipt.

The sender of an insured parcel receives without charge, at the time of posting, a receipt for his parcel.

### ARTICLE IX.

#### *Return receipts and inquiries.*

Advice of delivery.

1. The sender of an insured parcel may obtain an advice of delivery on payment of such additional charge, if any, as the country of origin of the parcel shall stipulate and under the conditions laid down in the Regulations.

Post, p. 2015.

Request for information; fee.

2. A fee may be charged at the option of the country of origin on a request for information as to the disposal of an ordinary parcel and also of an insured parcel made after it has been posted if the sender has not already paid the special fee to obtain an advice of delivery.

Complaint of irregularity; fee.

3. A fee may also be charged at the option of the country of origin in connection with any complaint of any irregularity which prima facie was not due to the fault of the Postal Service.

### ARTICLE X.

#### *Recall and change of address.*

Recall and change of address.

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be changed. The Postal Administration of the country of origin may collect and retain for this service the charge fixed by its regulations. Requests for recall or change of address of parcels to be delivered in the United States of America shall be addressed to the Central Administration at Washington; those relating to parcels for delivery in Iceland shall be addressed to the office of destination of the parcel.

## ARTICLE XI.

*Customs charges.*

The parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel in accordance with the customs regulations.

Customs charges by country of destination.

## ARTICLE XII.

*Customs charges to be canceled.*

The customs charges on parcels sent back to the country of origin or redirected to another country shall be canceled both in Iceland and in the United States of America.

Cancellation, if returned or redirected.

## ARTICLE XIII.

*Fee for customs clearance.*

The office of delivery may collect from the addressee either in respect of delivery to the Customs and clearance through the Customs, or in respect of delivery to the Customs only, a fee not exceeding 50 gold centimes per parcel.

Fee for customs clearance.

## ARTICLE XIV.

*Delivery to the addressee. Fee for delivery at the place of address.*

Parcels are delivered to the addressees as quickly as possible in accordance with the conditions in force in the country of destination. That country may collect in respect of delivery of parcels to the addressee a fee not exceeding 50 gold centimes per parcel. The same fee may be charged, if the case arises, for each presentation after the first at the addressee's residence or place of business.

Delivery to addressee.

Fee.

## ARTICLE XV.

*Warehousing charge.*

The country of destination is authorized to collect the warehousing charge fixed by its legislation for parcels addressed "Poste Restante" or which are not claimed within the prescribed period. This charge may in no case exceed 5 gold francs.

Warehousing charge.

## ARTICLE XVI.

*Missent parcels.*

Ordinary parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the reforwarding Administration. They must not be charged with customs or other charges by that Administration. Insured parcels, when missent, may not be reforwarded to their destination except as insured mail. If this is impossible, they must be returned to origin.

Ordinary parcels.

Insured parcels.

When the reforwarding involves return of the parcel to the office of origin, the retransmitting Administration refunds to that office the credits received and reports the error by a bulletin of verification.

Refund, if parcel returned.

Reforwarding to a third country.

When the reforwarding involves dispatch of a parcel to a third country and if the amount credited to the retransmitting Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration recovers the amount of the deficiency by claiming it from the exchange office from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a bulletin of verification.

## ARTICLE XVII.

### *Redirection.*

Redirection; additional charges.

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination, at the request of either the sender or the addressee.

For parcels redirected in its territory, the Postal Administration of the country of destination may collect the additional charges fixed by its internal regulations. These charges shall not be canceled even if the parcel is returned to origin or is reforwarded to another country.

2. A parcel may be redirected out of the country of original address only at the sender's or the addressee's request and provided that the parcel complies with the conditions required for its further conveyance. Insured parcels shall not be redirected to another country except as insured mail.

New postage as well as new insurance fees, in the case of insured parcels, may, if not prepaid, be collected upon delivery.

The sender is entitled to forbid any redirection, by means of a suitable entry on the dispatch note and on the parcel.

## ARTICLE XVIII.

### *Sale or destruction.*

Articles liable to deterioration.

1. Articles liable to deterioration or corruption, and these only, may be sold immediately, even on the outward or return journey, without previous notice or judicial formality, for the benefit of the right party.

If a sale is impossible for any reason, the spoilt or worthless articles shall be destroyed. The sale or destruction shall be recorded and report made to the Postal Administration of the country of origin.

Parcels marked "Abandon."

2. After the expiration of thirty days from the date of receipt at the office of destination, undeliverable parcels which the sender has marked "Abandon" may be sold at auction or otherwise disposed of as provided by the legislation of the country of destination. When insured parcels are involved, proper record will be made and the Administration of the country of origin notified as to the disposition made of the parcels. The Administration of the country of origin shall also be notified when, for any other reason, an insured parcel which is not delivered is not returned to the country of origin.

## ARTICLE XIX.

### *Nondelivery.*

Request by sender as to disposal.

1. The sender of a parcel may make a request at the time of mailing, as to the disposal of the parcel in the event it is not deliverable as addressed, the particulars of which are set forth in the Regulations.

2. If the sender does not make any request in accordance with the foregoing section, or if the sender's request has not resulted in delivery, undeliverable parcels shall be returned to the sender without previous notification at the expiration of thirty days; while parcels refused by the addressee shall be returned at once.

Return to sender if not otherwise indicated.

3. The provisions of Article XX, section 3, shall be applied to a parcel to be returned to the country of origin in consequence of nondelivery.

Provisions governing nondeliverable parcels.

New postage as well as new insurance fees, in the case of insured parcels may, if not prepaid, be collected from the sender upon return of the parcel.

## ARTICLE XX.

### *Charges.*

1. For each parcel exchanged between the contracting countries, the dispatching office credits to the office of destination, in the parcel bills, the quotas due to the latter, and indicated in the Regulations of Execution.

Credits.

Post, p. 2015.

2. The sums to be paid for a parcel in transit, that is, parcels destined either for a possession or for a third country, are likewise indicated in the Regulations of Execution.

Parcels in transit.

Post, p. 2015.

3. In case of reforwarding or return to origin of a parcel, if new postage and new insurance fees (in the case of insured parcels) are collected by the redispaching office, the parcel is treated as if it had originated in that country. Otherwise, the redispaching office recovers from the other office the quota due to it, namely, as the case may be:

Reforwarding or return to origin or

(a) The charges prescribed by section 1 above.

(b) The charges for reforwarding or return.

(c) The customs clearance, delivery, and storage charges provided for by Articles XIII, XIV, and XV.

In case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a), (b), and (c) above as are applicable, shall follow the parcel; but if the third country concerned refuses to assume the charges because they cannot be collected from the addressee or sender, as the case may be, or for any other reason, they shall be charged back to the country of origin.

Reforwarding or return to a third country.

In the case of a parcel returned or reforwarded in transit through one of the two Administrations to or from the other, the intermediary Administration may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

Returned or reforwarded in transit

## ARTICLE XXI.

*Postal charges other than those prescribed not to be collected.*

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

Charges other than prescribed not to be collected.

## ARTICLE XXII.

### *Air parcels.*

The Chiefs of the Postal Administrations of the two contracting countries have the right to fix by mutual consent the air surtax and other conditions in the case where the parcels are conveyed by the air routes.

Air surtax, etc.

## ARTICLE XXIII.

*Temporary suspension of service.*

Temporary suspension of service.

In extraordinary circumstances such as will justify the measure, either Administration may temporarily suspend the parcel-post service, either entirely or partially, on condition of giving immediate notice, if necessary by telegraph, to the other Administration.

## ARTICLE XXIV.

*Matters not provided for in the present Agreement.*

Matters not herein provided for.

Universal Postal Convention, etc., to govern.  
49 Stat. 2741.

Details to be fixed by mutual consent.

Mutual notice of postal laws, etc.

1. Unless they are provided for in the present Agreement, all questions concerning requests for recall or return of parcels, obtaining and disposition of return receipts, and adjustment of indemnity claims in connection with insured parcels shall be governed by the provisions of the Universal Postal Convention and its Regulations of Execution in so far as they are applicable and are not contrary to the foregoing provisions. If the case is not provided for at all, the domestic legislation of the United States of America or of Iceland, or the decisions made by one country or the other are applicable in the respective country.

2. The details relative to the application of the present Agreement will be fixed by the two Administrations in Regulations of Execution, the provisions of which may be modified or completed by mutual consent by way of correspondence.

3. The two Administrations notify each other mutually of their laws, ordinances, and tariffs concerning the exchange of parcel post as well as of all modifications in rates which may be subsequently made.

## ARTICLE XXV.

*Entry into force and duration of Agreement.*

Entry into force.

This Agreement shall become effective on ratification, but pending ratification it may be put into force administratively on a date to be mutually settled between the Administrations of the two countries.

Duration.

It shall remain in force until one of the Administrations of the two contracting countries has given notice to the other six months in advance of its intention to terminate it.

Signatures.

Done in duplicate and signed at Reykjavik, the 11th. day of October 1938 and at Washington, the 31st day of October 1938.

[SEAL]

JAMES A FARLEY

*The Postmaster General of the United States of America.*

[SEAL]

G. F. HLIÐDAL

*The Director General of Posts of Iceland.*

Approval by the President.

The foregoing Parcel Post Convention between the United States of America and Iceland has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President,

CORDELL HULL

*Secretary of State.*

WASHINGTON, November 10, 1938.



## DETAILED REGULATIONS FOR THE EXECUTION OF THE PARCEL POST AGREEMENT

The following Detailed Regulations for the Execution of the Parcel Post Agreement have been agreed upon by the Chiefs of the Postal Administrations of the United States of America and Iceland. They may be changed from time to time as may be deemed necessary:

### ARTICLE 1.

#### *Limits of weight and size.*

The parcels to be exchanged under the provisions of this Agreement may not exceed 44 pounds (20 kilograms) in weight nor the following dimensions:

Limits of weight  
and size.

Greatest length 4 feet (122 centimeters), on condition that parcels over 42 inches (107 centimeters) but not over 44 inches (112 centimeters) long do not exceed 24 inches (61 centimeters) in girth; that parcels over 44 inches (112 centimeters) but not over 46 inches (117 centimeters) long do not exceed 20 inches (51 centimeters) in girth; that parcels over 46 inches (117 centimeters) but not over 48 inches (122 centimeters) long do not exceed 16 inches (41 centimeters) in girth; and that parcels up to 3½ feet (107 centimeters) in length do not exceed 6 feet (183 centimeters) in length and girth combined.

The limit of weight and maximum dimensions stated above may be changed from time to time by agreement made through correspondence.

### ARTICLE 2.

#### *Preparation of parcels.*

1. The name and address of the sender and of the addressee must be legibly and correctly written in every case, on the parcel itself when possible, or on a label or tag firmly attached thereto. It is not allowed to write with initials the name and address of the sender or addressee, unless the initials are the adopted trade name of the sender or addressee which is generally understood. Addresses in pencil are also not allowed, except those written with indelible pencil on a previously dampened surface.

Preparation of parcels.

A slip bearing the name and address of the sender and addressee must be enclosed in the parcel when the address is written on a label or tag which is not gummed to the parcel. It is advisable that such slips be enclosed in all parcels.

2. Every parcel must be packed in a manner adequate for the length of the journey and the character of the contents, and in such a way as to prevent the contents from damaging other parcels or objects or injuring the postal agents. The packing must protect the contents sufficiently that, in case of rifling, the traces thereof may be easily discovered.

No packing is required for ordinary parcels consisting of a single article, such as pieces of wood, metal, etc., which are not usually packed by the trade.

Any liquid or any substance which easily liquefies must be packed in a double receptacle. Between the inner receptacle (bottle, flask, pot, box, etc.) and the outer (box of metal, of strong wood, of strong corrugated cardboard, strong fiberboard, or receptacle of equal

strength) shall be left a space which shall be filled with sawdust, bran, or some other absorbent material, in sufficient quantity to absorb all the liquid contents in the case of breakage.

Powders and dyes in powder form must be packed in lead-sealed metal containers which must be enclosed in substantial outer covers, so as to obviate all damage to the accompanying mail matter.

3. Insured parcels must be sealed by means of wax, by lead, or other seals. Ordinary parcels may be sealed at the option of the sender, or careful tying is sufficient as a mode of closing. Either Administration may require a special design or mark of the sender in the sealing of insured parcels mailed in its service, as a means of protection.

The Customs of the country of destination, for the purpose of customs examination, shall have the right to break the seals. After customs examination is concluded, the parcels shall be officially resealed.

4. On the address side, each insured parcel must bear a label with the words "Insured" or "Valeur déclarée", or be stamped or marked with the same words in close proximity to the number given the parcel, and it must also bear an indication of the amount of the insured value mentioned fully and legibly in the currency of the country of origin and in roman letters. This amount must be converted into gold francs by the sender or by the office of origin and the result of conversion is added below the original description. The amount of the insured value must also be indicated on the customs declaration.

5. The seals, as well as any kind of labels or stamps, affixed to insured parcels must be so placed as not to hide injuries to the package. Moreover, the labels or stamps must not be folded over two sides of the package so as to cover the edge.

### ARTICLE 3.

#### *Customs declarations.*

Customs  
tions.      declara-

1. The sender shall prepare one customs declaration for each parcel sent from Iceland, and 2 customs declarations for each parcel sent from the United States of America on a special form provided for the purpose by the country of origin, which customs declarations shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, actual weight, the sender's name and address, and the name and address of the addressee; and shall be securely attached to the parcel.

However, as an exception to the foregoing, when more than one parcel is mailed simultaneously by the same sender in one country to the same addressee at the same address in the other country, the sender need prepare only one customs declaration for the entire shipment in the case of parcels sent from Iceland and 2 customs declarations for the entire shipment in the case of parcels sent from the United States, which customs declarations shall show, in addition to the particulars set forth in the preceding paragraph, the total number of parcels comprising the shipment; and shall be securely attached to one of the parcels. The parcels comprising the entire shipment shall be clearly marked in such case with a fractional number, the numerator of which will indicate in arabic figures the number of the parcel, and the denominator the number of parcels comprising the shipment; for example, if a single shipment were composed of 15 parcels, each parcel would be numbered respectively 1/15, 2/15, 3/15, etc.

2. The Administrations accept no responsibility for the correctness of the customs declarations.

## ARTICLE 4.

*Return receipts.*

1. As to a parcel for which a return receipt is asked, the office of origin impresses on the parcel the letters or words "A. R." or "Avis de réception". The office of origin or any other office appointed by the dispatching Administration shall fill out a return receipt form and attach it to the parcel. If the form does not reach the office of destination, that office makes out a duplicate.

Return receipts.

2. The office of destination, after having duly filled out the return receipt form, returns it free of postage to the address of the sender of the parcel.

3. When the sender applies for a return receipt after a parcel has been posted, the office of origin duly fills out a return receipt form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel and then forwards it to the office of destination of the parcel. In the case of the due delivery of the parcel, the office of destination withdraws the inquiry form, and the return receipt is treated in the manner prescribed in the foregoing paragraph.

## ARTICLE 5.

*Receptacles.*

1. The Postal Administrations of the two contracting countries shall provide the respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.

Receptacles.

2. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. In case ten percent of the total number of bags used during the year have not been returned, the value of the missing bags must be repaid to the Administration of origin.

## ARTICLE 6.

*Method of exchange of parcels.*

1. The parcels shall be exchanged in sacks duly fastened and sealed by the offices appointed by agreement between the two Administrations, and shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.

Method of exchange of parcels.

2. Insured parcels shall be enclosed in separate sacks from those in which ordinary parcels are contained, and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

3. No sack may exceed 40 kilograms (88 pounds) in weight.

## ARTICLE 7.

*Billing of parcels.*

1. The insured parcels and the ordinary parcels are entered in separate parcel bills. The parcel bills are prepared in duplicate. The original is sent in the regular mails, while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F" conspicuously marked on the label.

Billing of parcels.

2. The ordinary parcels included in each dispatch sent to the United States of America shall be entered on the parcel bills to show the total number of parcels and the total net weight thereof.

The ordinary parcels included in each dispatch sent to Iceland shall be entered on the parcel bills to show the total number of parcels according to the divisions of weight: (a) up to 1 kilogram (2 pounds), (b) over 1 up to 5 kilograms (11 pounds), (c) over 5 up to 10 kilograms (22 pounds), (d) over 10 up to 15 kilograms (33 pounds), and (e) over 15 up to 20 kilograms (44 pounds).

3. Insured parcels shall be entered individually on the parcel bills. The entries concerning each parcel shall show the insurance number and the name of the office of origin. In the case of parcels sent to the United States of America, the total net weight of all the parcels must also be shown. In the case of parcels sent to Iceland, an indication of the division of weight must also be shown the same as in the case of ordinary parcels.

4. Parcels sent à découvert must be entered separately on the parcel bills.

5. Returned or redirected parcels must be entered individually on the parcel bills and must be followed by the word "Returned" or "Redirected" as the case may be. A statement of the charges which may be due on these parcels should be shown in the "Observations" column.

6. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

7. Each dispatching exchange office shall number the parcel bills in the upper left-hand corner, commencing each year a fresh series for each exchange office of destination. The last number of the year shall be shown on the parcel bill of the first dispatch of the following year.

8. The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Agreement, shall be settled by mutual agreement through correspondence between the two Administrations.

#### ARTICLE 8.

##### *Checking of parcels.*

##### *Checking of parcels*

1. The exchange office which has received a parcel mail shall check the parcels and the accompanying bills. If a parcel is missing, or if any other irregularity is noted, it shall be immediately reported to the dispatching exchange office by means of a bulletin of verification. The report of such a serious irregularity as to involve the responsibility of the respective Administrations shall be accompanied by such vouchers as the strings and the wax or lead seals used for closing the bag which contained the parcels, if they are available.

If no report is made by the next mail, it will be assumed that the mail has been received in proper order, until the contrary is proved.

2. If a parcel bill is missing, a duplicate shall be made out and a copy sent to the dispatching exchange office from which the dispatch was received.

3. If any parcel which is in the course of transmission is observed to bear evidence of violation or damage, it must have the facts noted on it and be marked with the stamp of the office making the note; or a document drawing attention to the violation or damage must be forwarded with the parcel.

## ARTICLE 9.

*Undelivered parcels.*

1. The sender of a parcel may request at the time of mailing that, if the parcel cannot be delivered as addressed it shall be either (a) treated as abandoned, (b) tendered for delivery at a second address in the country of destination, or (c) returned.

Undelivered parcels.

If the sender avails himself of this facility, his request must appear on the address side of the parcel and on the relative customs declaration and must be in conformity with or analogous to one of the following forms:

"If not deliverable as addressed, Abandon."

"If not deliverable as addressed, Deliver to \_\_\_\_\_"

"If not deliverable as addressed, Return."

2. The parcels to be returned as undeliverable to the country of origin shall be marked to show the reason for nondelivery.

## ARTICLE 10.

*Payments.*

1. The terminal quotas to be credited by the dispatching Office to the Office of destination are the following:

Payments

I. By Iceland to the United States of America:

(a) Rate by weight:

70 gold centimes per kilogram, based on the bulk net weight of each dispatch.

This rate applies also to parcels for Alaska. The rate is reduced to 35 gold centimes per kilogram for parcels for Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii.

(b) Rate by value: (in the case of insured parcels) in addition to the rate by weight:

10 gold centimes per parcel with insured value up to 500 gold francs.

II. By the United States of America to Iceland:

(a) Rate by weight:

Up to 1 kilogram.....	80 gold centimes
From 1 to 5 kilograms.....	125 gold centimes
From 5 to 10 kilograms.....	200 gold centimes
From 10 to 15 kilograms.....	350 gold centimes
From 15 to 20 kilograms.....	450 gold centimes

(b) Rate by value: (in the case of insured parcels) in addition to the rate by weight:

10 gold centimes per parcel with insured value up to 500 gold francs.

The terminal charges specified above may be reduced or increased on three months previous notice given by one Administration to the other. The reduction or increase shall hold good for at least one year.

2. The amounts to be allowed for parcels sent from one Administration to the other for onward transmission to a possession of either country or to a third country shall be fixed by the intermediate Administration.

## ARTICLE 11.

*Accounting.**Accounting.*

1. Each Administration shall prepare quarterly an account showing the sums due for parcels sent by the other Administration.

2. These accounts accompanied by the parcel bills and, if any, copies of verification notes relating thereto shall be submitted to the examination of the corresponding Administration in the course of the month following the quarter to which they relate.

3. The verification and acceptance of the accounts must be effected as early as possible and the payment resulting from the balance must be made at the latest before the expiration of the following quarter.

4. Payment of the balances due on these accounts between the two Administrations shall be effected by means of drafts on New York, or in any other manner which may from time to time be agreed upon between the Chiefs of the Postal Administrations of the two contracting countries, the expenses attendant on the payment being at the charge of the indebted Administration.

## ARTICLE 12.

*Miscellaneous notifications.**Miscellaneous notifications.*

The Administrations shall communicate to each other a summary of the provisions of their laws or regulations applicable to the parcels exchanged between the two contracting countries, and other items necessary for carrying out the exchange of parcels.

*Entry into force and duration of Regulations.*

These Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement.

*Signatures.*

Done in duplicate and signed at Washington, the 31st day of October 1938 and at Reykjavik, the 11th. day of October 1938.

[SEAL]

JAMES A FARLEY

*The Postmaster General of the United States of America.*

[SEAL]

G. L. HLIDDAL

*The Director General of Posts of Iceland.**Approval by the President.*

The foregoing Regulations for the Execution of the Parcel Post Agreement between the United States of America and Iceland have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

WASHINGTON, November 10, 1938

*Agreement between the United States of America and Brazil respecting a military mission. Signed November 12, 1938; effective November 12, 1938.*

November 12, 1938  
[E. A. S. No. 135]

**AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE UNITED STATES OF BRAZIL**

**ACÓRDO ENTRE OS GOVERNOS DOS ESTADOS UNIDOS DO BRASIL E DOS ESTADOS UNIDOS DA AMÉRICA**

In conformity with the statement made in the communication, dated February 2, 1938, from the Minister of State for Foreign Affairs of Brazil to the Ambassador of the United States of America at Rio de Janeiro, that the President of the United States of Brazil has agreed that the contract of the American Military Mission, provided for in the Military Mission Agreement between the two countries, signed at Rio de Janeiro on November 12, 1936, which will expire on November 12, 1938, should be extended for two more years, and certain modifications in that agreement having been accepted by the Secretary of War of the United States of America, and by the Minister of War of the United States of Brazil with the approval of the President of the United States of Brazil, the President of the United States of America, by virtue of the authority conferred by the Act of Congress, approved May 19, 1926, entitled "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Latin American Republics in military and naval matters", as amended by an Act of May 14, 1935, to include the Commonwealth of the Philip-

De conformidade com a declaração contida na nota, datada de 2 de Fevereiro de 1938, do Ministro de Estado das Relações Exteriores do Brasil ao Embaixador dos Estados Unidos da América no Rio de Janeiro, de que o Presidente dos Estados Unidos do Brasil havia concordado em que o contrato da Missão Militar Americana, previsto no acôrdo militar entre os dois países, assinado no Rio de Janeiro em 12 de Novembro de 1936 e a expirar no dia 12 de Novembro de 1938, seria prorrogado por mais dois anos, e havendo o Secretário da Guerra dos Estados Unidos da América e o Ministro da Guerra dos Estados Unidos do Brasil, com a aprovação do Presidente dos Estados Unidos do Brasil, aceito a introdução de certas modificações no referido acôrdo, o Presidente dos Estados Unidos da América, usando das atribuições conferidas pela Lei do Congresso, aprovada em 19 de Maio de 1926, e intitulada: "Lei que autoriza o Presidente a designar oficiais e praças do Exército, da Armada e do Corpo de Fuzileiros Navais dos Estados Unidos, para assistirem os Governos das Repúblicas Latino-Americanas em assuntos militares e navais", e alterada pela Lei de 14 de Maio de 1935, para incluir o "Common-

Agreement with  
Brazil respecting a  
military mission.

50 Stat. 1468.

44 Stat. 565.  
10 U. S. C. § 540.

49 Stat. 218.  
10 U. S. C., Supp.  
IV, § 540.

pine Islands, has authorized the continuance of the detail of officers constituting an American Military Mission to Brazil, upon the following agreed conditions:

wealth" das Ilhas Filipinas, autoriza a continuação das funções dos oficiais que constituem a Missão Militar americana no Brasil, sob as seguintes condições contratuais:

## TITLE I

### PURPOSE AND DURATION

Purpose and duration.

Art. 1. The purpose of the Mission is to cooperate with the General Staff, Office of the Chief of Coast Defense and officers of the Brazilian Army in the development and functioning of the Coast Artillery Instruction Center, to superintend the courses and assist in the instruction. The Mission will also have charge of the courses and assist in the instruction of the subjects of Permanent Fortification, Ordnance and Chemical Warfare at the Technical School.

Art. 2. This Mission shall continue for two years from the date of the signing of this agreement by the accredited representatives of the Governments of the United States of America and the United States of Brazil.

Art. 3. If the Government of Brazil should desire that the service of the Mission should be extended, in whole or in part, beyond the period stipulated, a proposal to that effect must be made six months before the expiration of this agreement.

Art. 4. If it should be necessary, in the interest of either one of the two Governments, that the present contract or its extension be terminated before the time specified, the Government so desiring must give notice to the other three months in advance.

## TÍTULO I

### FIM E DURAÇÃO

Art. 1. O fim da Missão é cooperar com o Estado Maior do Exército, com a Inspetoria de Defesa de Costa e com Oficiais do Exército brasileiro, no desenvolvimento e funcionamento do Centro de Instrução de Artilharia de Costa, superintender os cursos e auxiliar a instrução. A Missão terá também a seu cargo os cursos de Fortificação Permanente, Material Bélico e Guerra Química na Escola Técnica do Exército, onde auxiliará a respectiva instrução.

Art. 2. Esta Missão durará dois anos a partir da data da assinatura deste acôrdo pelos representantes autorizados dos Governos dos Estados Unidos do Brasil e dos Estados Unidos da América.

Art. 3. Se o Govêrno do Brasil desejar que o serviço da Missão se prolongue, no todo ou em parte, além do período estipulado, uma proposta para êsse fim deverá ser feita seis meses antes do termo dêste contrato.

Art. 4. Se fôr necessário, no interêsse de qualquer dos dois Governos, que o presente contrato, ou seu prolongamento, termine antes do tempo especificado, o Govêrno que o desejar deverá notificá-lo ao outro três meses antes.



Art. 5. It is herein stipulated and agreed that while the Mission shall be in operation under this agreement, or under an extension thereof, the Government of Brazil will not engage the services of any Mission or personnel of any other foreign government for the duties and purposes contemplated by this agreement.

## TITLE II

### COMPOSITION AND PERSONNEL

Art. 6. The Mission will be composed of five officers of the Regular Army of the United States of America as follows: one Colonel or Lieutenant Colonel of Coast Artillery; one Major or Captain of Coast Artillery; one Lieutenant Colonel or Major of Engineers; one Major or Captain of Ordnance; and one Major or Captain of the Chemical Warfare Service. The senior Coast Artillery Officer will be Chief of the Mission, who will assure normally the direct relations of the Mission with the Minister of War and the Chief of Staff of the Army.

Art. 7. Any additions to the personnel of the Mission that may be considered advisable or necessary shall be considered as an addendum to this agreement.

## TITLE III

### DUTIES, RANK AND PRECEDENCE

Art. 8. The members of the Mission shall be responsible solely to the Brazilian Ministry of War through the Chief of the Mission and shall act as tactical and technical advisers to the Chief of the General Staff and Chief of Coast Defense for the questions of organization and instruction in all

Art. 5. E' aqui estipulado e acordado que, enquanto a Missão funcionar sob este acôrdo, ou seu prolongamento, o Govêrno do Brasil não contratará os serviços de qualquer Missão ou pessoal de qualquer outro Govêrno estrangeiro para as funções e fins tratados neste acôrdo.

## TÍTULO II

### COMPOSIÇÃO E PESSOAL

Art. 6. A Missão compor-se-á de cinco oficiais do Exêrcito dos Estados Unidos da América, a saber: um Coronel ou Tenente-Coronel de Artilharia de Costa; um Major ou Capitão de Artilharia de Costa; um Tenente-Coronel ou Major de Engenharia; um Major ou Capitão especializado em Material Bélico; um Major ou Capitão do Serviço de Guerra Química. O oficial mais antigo de Artilharia de Costa será o Chefe da Missão, o qual assegurará normalmente as relações diretas da Missão com o Ministro da Guerra e o Chefe do Estado Maior do Exêrcito.

Art. 7. Qualquer aumento do pessoal da Missão, que se julgar conveniente, ou necessário, será considerado como aditamento a este acôrdo.

## TÍTULO III

### DEVERES, GRADUAÇÃO E PRECEDÊNCIA

Art. 8. Os membros da Missão ficarão unicamente subordinados ao Ministério da Guerra do Brasil, por intermédio do Chefe da Missão, e exercerão junto ao Chefe do Estado Maior do Exêrcito e Inspetor da Defesa de Costa o papel de conselheiros táticos e técnicos para as questões de orga-

Composition and personnel.

Duties, rank, and precedence.

matters pertaining to Coast Defense, Permanent Fortification, and Chemical Warfare.

Art. 9. It shall be the duty of the members of the Mission, under the direction of the Chief of the Mission, to advise technically the Commandant of the Coast Artillery Center of Instruction and the Commandant of the Technical School and cooperate with them in all matters pertaining to Coast Defense, Permanent Fortification, Ordnance Material, and Chemical Warfare, as well as prescribing the courses in these subjects and assisting in the instruction.

Art. 10. In case of war between Brazil and any other nation, the Mission shall terminate within thirty days. In case of civil war no member of the Mission shall take part in the operations in any respect.

Art. 11. The members of the Mission shall each receive one extra grade or rank above the rank they hold in the Army of the United States of America, while serving on the Mission. Their precedence with respect to Brazilian Officers and Officers of other foreign Missions shall be in accordance with their extra grade or rank and seniority therein. The members of the Mission will receive no extra compensation for the above mentioned extra grade or rank and will wear only uniforms of the Army of the United States of America.

nização e instrução nos assuntos relativos à Defesa de Costa, Fortificações Permanentes e Guerra Química.

Art. 9. É' dever dos membros da Missão, sob a direção do Chefe da mesma, aconselhar tecnicamente o Comandante do Centro de Instrução de Artilharia de Costa e o da Escola Técnica do Exército e com eles cooperar em todos os assuntos referentes à Defesa de Costa, Fortificações Permanentes, Material Bélico e Guerra Química, bem como prescrever os cursos nos ditos assuntos e auxiliar a instrução.

Art. 10. Em caso de guerra entre o Brasil e qualquer outra nação, será extinta a Missão dentro de trinta dias. Em caso de guerra civil, nenhum membro da Missão tomará parte nas operações, de modo algum.

Art. 11. Os membros da Missão receberão cada um uma graduação ou posto imediatamente acima da que teem no Exército americano, enquanto servirem na Missão. Sua precedência em relação aos oficiais brasileiros e oficiais de outras missões estrangeiras será regulada de acôrdo com a graduação acima referida e a antiguidade. Não receberão nenhuma remuneração extraordinária pela dita graduação e só usarão uniformes do Exército dos Estados Unidos da América.

#### TITLE IV

##### PAY AND ALLOWANCES

Pay and allowances.

Art. 12. The members of the Mission shall receive from the Brazilian Government, for their

#### TÍTULO IV

##### REMUNERAÇÃO E VANTAGENS

Art. 12. Os membros da Missão receberão do Governo Brasileiro, por seus serviços, a seguinte re-

services, the following annual compensation in Brazilian paper money, payable monthly in 12 equal installments:

Colonel..... 72:000\$000  
(Seventy-two contos)  
Lieutenant Colonel... 66:000\$000  
(Sixty-six contos)  
Major..... 60:000\$000  
(Sixty contos)  
Captain..... 54:000\$000  
(Fifty-four contos)

Coronel..... 72:000\$000  
(Setenta e dois contos)  
Tenente-Coronel..... 66:000\$000  
(Sessenta e seis contos)  
Major..... 60:000\$000  
(Sessenta contos)  
Capitão..... 54:000\$000  
(Cincoenta e quatro contos)

Art. 13. Each member of the Mission shall have the right to receive his Brazilian pay beginning on the date of his leaving New York, and continuing, upon completion of his service in the Mission, up to the date of his arrival in New York, proceeding each way by usual sea route. Any member of the Mission who may return to the United States before completing two years service, or who returns for one of the causes foreseen in Art. 26, will only receive full pay up to the date of his leaving Rio de Janeiro, except in the cases of ill-health or termination of the contract of the Mission in which cases payment will be made up to arrival in New York.

Art. 14. It is further stipulated that this compensation shall not be subject to any Brazilian tax now in force or which may hereafter be imposed.

Art. 15. The expenses of transportation by land and sea of the members of the Mission, their families, household effects and baggage, including automobiles, shall be paid in advance by the representative of the Brazilian Government, the officers and their families being furnished with first-class accommodations, families being construed as wives and dependent children throughout the contract. There shall be provided in ad-

Art. 13. Todos os membros da Missão terão direito a receber os seus vencimentos brasileiros desde a data de sua partida de Nova York até a de chegada à mesma cidade, de regresso, depois de terminado o seu serviço na Missão, sendo utilizada nas viagens a rota marítima usual. Qualquer membro da Missão que regressar aos Estados Unidos antes de completar dois anos de serviço ou aquele que partir por uma das causas previstas no art. 26, só receberá, entretanto, os seus vencimentos integrais até a data da partida do Rio de Janeiro; excetuam-se os casos de doenças ou de terminação do contrato da Missão, em que o pagamento será feito até a chegada a Nova York.

Art. 14. Fica além disto estipulado que essa remuneração não está sujeita a imposto algum brasileiro em vigor, ou que possa ser criado posteriormente.

Art. 15. As despesas de transporte por terra e mar, dos membros da Missão, suas famílias, móveis e utensílios de casa e bagagens, inclusive automóveis, serão pagas adiantadamente pelo representante do Governo Brasileiro, fornecendo-se aos oficiais e suas famílias passagens de 1.ª classe, entendendo-se neste contrato por família a Senhora e filhos a cargo dos mesmos oficiais. Será concedida também adiantadamente a

vance the following allowance to cover expenses of locating and housing each member of the Mission: seguinte ajuda de custo, para as despesas de instalação de cada membro da Missão:

Colonel.....	6:000\$000	Coronel.....	6:000\$000
Lieutenant Colonel.....	5:500\$000	Tenente-Coronel.....	5:500\$000
Major.....	5:000\$000	Major.....	5:000\$000
Captain.....	4:500\$000	Capitão.....	4:500\$000

The household effects and baggage including automobiles of the personnel of the Mission and their families shall be exempt from customs duties and imposts of any kind in Brazil.

Art. 16. The members of the Mission who remain in Brazil two or more years, or until the termination of the Mission, shall have the right, when they return to the United States of America, to the advance payment of transportation expenses of themselves and their families and all effects, as specified in Art. 15, and insurance of effects, from Rio de Janeiro to New York; these expenses to include packing effects and transporting them on board ship in Rio de Janeiro.

Art. 17. During the stay of the Mission, the Government of Brazil shall grant, on request of the Chief of the Mission, free entry for articles of personal and family use; families being construed as wives, and dependent children.

Art. 18. Each member of the Mission with more than two complete years of service in Brazil shall have the right to a leave of three months on full pay, and also the right of leaving Brazil. In case he leaves Brazil, he shall have the right to travel time in addition to his leave and he shall receive his full pay in Brazilian money at the rate specified in Art. 12, during both his leave and time of travel. The Chief of the Mission shall

Os móveis, objetos de casa, bagagem e automóveis, do pessoal da Missão e suas famílias, estarão isentos de direitos aduaneiros e impostos, de qualquer natureza, do Brasil.

Art. 16. Os membros da Missão que permanecerem no Brasil dois ou mais anos, ou até a terminação da mesma, terão direito, quando regressarem aos Estados Unidos da América, ao pagamento adiantado das despesas de transporte constantes do art. 15, para si, suas respectivas famílias e bagagens, inclusive automóveis, seguro das mesmas bagagens do Rio de Janeiro até Nova York, inclusive embalagem e transporte para bordo, no Rio de Janeiro.

Art. 17. Durante a permanência da Missão, o Governo do Brasil concederá, mediante pedido de seu Chefe, entrada livre para os artigos de uso pessoal e das famílias; considerando-se como famílias as Senhoras e os filhos a cargo dos oficiais.

Art. 18. Cada membro da Missão, com mais de dois anos completos de serviços no Brasil, fará jus a uma licença de três meses, com todos os vencimentos e com o direito de ausentar-se do Brasil, não incluindo na licença, neste caso, o tempo de viagem. Durante essa ausência, compreendida a viagem, cada membro da Missão receberá integralmente os seus vencimentos em moeda brasileira, como se acha especificado no art.

arrange, after consultation with the Chief of the General Staff, that such leaves inconvenience as little as possible the interests of the Brazilian Army.

Art. 19. Members of the Mission who may become ill, shall be cared for by the Brazilian Government, in such hospital as the Chief of the Mission may, after consultation with the Brazilian authorities, consider suitable.

Art. 20. In case of travel performed on official business outside of the Federal District and Nictheroy, by any member of the Mission, such member shall receive while engaged therein, besides his regular compensation, *per diem* allowances and transportation which shall be the same as those allowed to the officers of the Brazilian Army of the same rank and in like circumstances.

Art. 21. The officers of the Mission shall be accorded the same rights and privileges which are enjoyed by diplomatic representatives accredited to Brazil and of corresponding rank, except as regards the rights of importation mentioned above.

Art. 22. A suitable automobile with chauffeur shall be permanently assigned to the Chief of the Mission for the use of the Mission on official service. When this automobile is unavailable because of repair, overhaul or other reason a suitable substitute will be provided.

Art. 23. A private office and necessary equipment shall be provided the members of the Mission for their work. There shall be furnished the Mission two clerks (typists and stenographers) able

12. O Chefe da Missão providenciará, ouvido o Chefe do Estado Maior do Exército, para que essas licenças prejudiquem o menos possível os interesses do Exército brasileiro.

Art. 19. Os membros da Missão que adoecem serão internados pelo Governo Brasileiro no hospital que o Chefe da Missão julgar conveniente, depois de ouvidas as autoridades brasileiras.

Art. 20. No caso de viagens feitas a serviço, fóra do Distrito Federal e Niterói, por qualquer membro da Missão, receberá êle, além dos vencimentos que lhe competem, as mesmas diárias e gênero de transporte concedidos aos oficiais do Exército brasileiro, de idêntica graduação, em condições semelhantes.

Art. 21. Serão concedidos aos oficiais da Missão os mesmos direitos e privilégios de que gozam os representantes diplomáticos de igual categoria acreditados no Brasil, exceto no que diz respeito aos direitos de importação, já mencionados.

Art. 22. Um automóvel de classe, com "chauffeur", será permanentemente posto à disposição do Chefe da Missão, para o transporte dos oficiais da mesma em serviço. Quando êsse automóvel não estiver disponível, por necessitar reparos, exames ou outra qualquer razão, será substituído por outro, nas mesmas condições.

Art. 23. Os membros da Missão disporão, para os seus trabalhos, de um Gabinete e do necessário material de expediente. Serão postos à disposição da Missão dois auxiliares estenodactilógrafos

to translate English into Portuguese and Portuguese into English.

Art. 24. Every member of the Mission shall have a Brazilian officer detailed as an assistant.

Art. 25. If cancellation of this contract be effected on the request of the United States of America, all expenses of the return of the Mission and the families and all effects thereof to their country shall be borne by that Government. In case, however, the cancellation should be effected on the initiative of the Brazilian Government, or as a result of war between Brazil and a foreign power, the Brazilian Government shall bear all the costs of the return to the United States of America of the Mission and the families and all effects thereof, in accordance with the provisions of Arts. 13 and 16, and in addition thereto, the Brazilian Government shall pay to each officer an amount equivalent to three months compensation from the date of his arrival in New York proceeding by usually traveled sea route.

aptos a traduzir o inglês para o português e o português para o inglês.

Art. 24. Junto a cada membro da Missão haverá um oficial brasileiro, destacado como assistente.

Art. 25. Se este contrato fôr rescindido, a pedido dos Estados Unidos da América, todas as despesas com a volta dos membros da Missão, suas famílias e todas as suas bagagens, definidas no art. 15, a seu país, serão feitas por esse Governo. Se se verificar, porém, essa rescisão por iniciativa do Governo Brasileiro ou em consequência de uma guerra entre o Brasil e uma Nação estrangeira, o Governo Brasileiro fará face a todas as despesas para o regresso aos Estados Unidos da América dos membros da Missão, de suas respectivas famílias e bagagens, de acôrdo com as estipulações dos arts. 13 e 16, devendo, outrossim, o Governo Brasileiro pagar a cada oficial uma quantia equivalente a três meses de vencimentos a partir da data de sua chegada a Nova York, em viagem normal por via marítima.

## TITLE V

## TÍTULO V

### RECALL AND REPLACEMENT OF MEMBERS OF THE MISSION

### RETIRADA E SUBSTITUIÇÃO DOS MEMBROS DA MISSÃO

Recall and replacement of members of the Mission.

Art. 26. The United States of America, may if the public interest so requires, recall, at any time, any one or all of the members of the Mission, substituting for them other officers acceptable to the Brazilian Government, all the expenses connected therewith being incumbent on the Government of the United States of America. If on the request of the Brazilian Government, any member of the Mission is recalled for due and

Art. 26. Os Estados Unidos da América poderão, se o interesse público o exigir, retirar, em qualquer tempo, qualquer um dos membros da Missão ou todos eles, substituindo-os por outros oficiais do agrado do Governo Brasileiro, devendo todas as despesas daí resultantes correr por conta do Governo dos Estados Unidos da América. Se, a pedido do Governo Brasileiro, algum membro da Missão fôr retirado e regressar por

just cause other than that of the termination of his services on the Mission or his illness, all the expenses connexed with the return shall be incumbent on the United States of America.

Art. 27. Any member of the Mission may be relieved at his own request, by the Government of the United States of America, after two years of service in Brazil, being replaced in each case by an officer of corresponding rank and arm, as specified in Article 6, who is acceptable to the Brazilian Government.

Art. 28. No member of the Mission relieved on his own request before he gives two years service shall be entitled to travel expenses and transportation of effects at the expense of the Brazilian Government except in case of illness.

Art. 29. If any member of the Mission should be obliged by illness to discontinue service with the Mission, the Brazilian Government shall bear the expenses of return of himself, family and all effects thereof, to the United States as above stipulated for members with more than two years of service.

Art. 30. If a member of the Mission or one of his family should die in Brazil, the Brazilian Government shall have the body transported to such city in the United States as the family of the deceased may designate. In case the deceased should be a member of the Mission, the Brazilian Government shall pay the expenses of the travel of the family and the transportation of all of their effects to New York.

Art. 31. In case of substitution for a member of the Mission, all

qualquer outra causa justa, que não a da terminação de seus serviços na Missão ou de doença, todas as despesas, com êsse regresso, correrão por conta dos Estados Unidos da América.

Art. 27. Qualquer membro da Missão poderá ser exonerado, a seu pedido, pelo Governo dos Estados Unidos da América, depois de dois anos de serviço no Brasil, sendo substituído em cada caso por um oficial de graduação e arma correspondentes, como preceitua o art. 6, e que seja aceito pelo Governo Brasileiro.

Art. 28. Nenhum membro da Missão, exonerado a seu pedido, antes de completar dois anos de serviço, terá as despesas de viagem de regresso, e de transporte de objetos e bagagem, pagas à custa do Governo Brasileiro, exceto em caso de doença.

Art. 29. Se algum membro da Missão fôr obrigado por doença a interromper o serviço, o Governo Brasileiro pagará as despesas de regresso do mesmo, de sua família e respectiva bagagem, aos Estados Unidos, na forma estipulada para os oficiais que tenham completado os dois anos de serviço.

Art. 30. Se algum membro da Missão, ou pessoa de sua família, falecer no Brasil, o Governo Brasileiro fará transportar o corpo para a cidade dos Estados Unidos que a família do morto indicar. Se o morto fôr um dos contratados, o Governo Brasileiro pagará as despesas de viagem da família e transporte de bagagens até Nova York.

Art. 31. No caso de substituição de um membro da Missão, todas

the clauses of this agreement, as cláusulas dêste acôrdo, exceto except in cases of express provisions to the contrary, shall apply no caso de disposição expressa em contrário, se aplicarão ao substituído, inclusive as especificadas specified in Articles 13 and 15. nos arts. 13 e 15.

## TITLE VI

## TÍTULO VI

## SUPERSESSION OF ORIGINAL CONTRACT AND AUTHENTICATION OF NEW AGREEMENT

## REVOGAÇÃO DO CONTRATO ORIGINAL E AUTENTICAÇÃO DO NOVO ACÔRDO

Supersession of original contract and authentication of new agreement.

Art. 32. From the date of signing this new agreement, embodied herein, by the accredited representatives of the Governments of the United States of America and of the United States of Brazil it will be in full effect and supersede entirely and in all particulars the agreement signed at Rio de Janeiro November 12, 1936, by R. M. Scotten, Chargé d'Affaires ad interim of the United States of America, José Carlos de Macedo Soares, the Brazilian Minister for Foreign Affairs and General João Gomes Ribeiro Filho.

Art. 32. A partir da data da assinatura dêste novo acôrdo, aqui especificado, pelos representantes autorizados dos Estados Unidos do Brasil e dos Estados Unidos da América, o mesmo entrará em pleno vigor e substituirá inteiramente e em todas as suas particularidades o acôrdo assinado no Rio de Janeiro em 12 de Novembro de 1936, pelos Senhores R. M. Scotten, Encarregado de Negócios interino dos Estados Unidos da América, José Carlos de Macedo Soares, Ministro de Estado das Relações Exteriores do Brasil, e General João Gomes Ribeiro Filho.

50 Stat. 1458.

Signatures.

Art. 33. IN FAITH WHEREOF, the undersigned, being duly authorized, sign the present agreement in duplicate in the English and Portuguese languages, at RIO DE JANEIRO, the twelveth day of November, 1938.

Art. 33. EM TESTEMUNHO DO QUE, os abaixo assinados, devidamente autorizados, assinam o presente acôrdo em dois textos, nas linguas portuguesa e inglesa, no RIO DE JANEIRO, aos doze dias de Novembro de 1938.

R. M. SCOTTEN  
OSWALDO ARANHA  
ENRICO G. DUTRA



*Parcel post agreement between the United States of America and the Colony of Fiji, with regulations of execution. Signed at Washington November 15, 1938 and at Suva January 10, 1939; approved by the President November 22, 1938.*

November 15, 1938  
January 10, 1939

## PARCEL POST AGREEMENT BETWEEN THE POSTAL ADMINISTRATIONS OF THE UNITED STATES OF AMERICA AND THE COLONY OF FIJI.

Parcel post agreement with the Colony of Fiji.

The undersigned have by mutual consent drawn up the following Agreement:—

### ARTICLE I.

#### OBJECT OF THE AGREEMENT.

Between the Postal Administration of the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) on the one hand, and the Postal Administration of the Colony of Fiji on the other hand, there may be exchanged, under the denomination of parcel post, parcels up to the maximum weight and the maximum dimensions indicated in the Regulations of Execution.

Territory embraced.

Weight and dimensions.

Post, p. 2037.

### ARTICLE II.

#### TRANSIT PARCELS.

1. Each Postal Administration guarantees the right of transit through its service, to or from any country with which it has parcel post communication, of parcels originating in or addressed for delivery in the service of the other contracting Postal Administration.

Right of transit.

2. Each Postal Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor, as well as other conditions.

Intermediate Administrations.

3. To be accepted for onward transmission, parcels sent by one of the contracting Postal Administrations through the service of the other Postal Administration must comply with the conditions prescribed from time to time by the intermediary Postal Administration.

### ARTICLE III.

#### PREPAYMENT OF POSTAGE AND FEES.

1. The Postal Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted that may from time to time be prescribed by its regulations.

Collection from sender.

2. Except in the case of returned or redirected parcels, prepayment of the postage and the fees mentioned in the preceding section, is compulsory.

Prepayment.

### ARTICLE IV.

#### PREPARATION OF PARCELS.

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Regulations of Execution.

Packing.

Post, p. 2037.

## ARTICLE V.

## PROHIBITIONS.

1. The following articles are prohibited transmission by parcel post:—

- |   |   |
|---|---|
| Letters, etc.                                   | (a) A letter or a communication having the nature of a letter. Nevertheless, it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, with mention of the address of the sender; |
| Enclosure with different address.               | (b) An enclosure which bears an address different from that placed on the cover of the parcel;  |
| Live animals.                                   | (c) Any live animal, except leeches.  |
| Narcotics.                                      | (d) Opium, morphine, cocaine, and other narcotics;  |
| Nonadmissible articles.                         | (e) Any article the admission of which is forbidden by the customs or other laws or regulations in force in either country.   |
| Explosive, etc., articles.                      | (f) Any explosive or inflammable article, and in general any article the conveyance of which is dangerous, including articles which from their nature or packing may be a source of danger to postal employees, or may soil or damage other parcels.  |
| Obscene, etc., articles.<br>Action to be taken. | (g) Obscene or immoral articles.  |

2. When a parcel contravening any of these prohibitions is handed over by one Postal Administration to the other, the latter shall proceed in accordance with its laws and inland regulations. Explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals may be destroyed on the spot by the Postal Administration which has found them in the mails.

The fact that a parcel contains a letter, or a communication having the nature of a letter, may not, in any case, entail the return of the parcel to the sender. The letter is, however, marked for the collection of postage due from the addressee at the regular rate.

The two Postal Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not on that account assume any responsibility towards the customs or police authorities, or the sender.

3. If parcels wrongly admitted to the post are neither returned to origin nor delivered to the addressee, the Postal Administration of origin must be informed in a precise manner of the treatment accorded to the parcels.

## ARTICLE VI.

## RESPONSIBILITY. INDEMNITY.

Loss, etc., of parcels      The two contracting Postal Administrations will not be responsible for the loss, abstraction, or damage of a parcel.

## ARTICLE VII.

## FEE FOR CUSTOMS CLEARANCE.

Fee for customs clearance.      The office of delivery may collect from the addressee either in respect of delivery to the Customs and clearance through the Customs or in respect of delivery to the Customs only, a fee not exceeding 50 centimes gold per parcel.

## ARTICLE VIII.

## DELIVERY TO THE ADDRESSEE.

*Fee for Delivery at the Place of Address.*

Parcels are delivered to the addressees as quickly as possible in accordance with the conditions in force in the country of destination. This country may collect in respect of delivery of parcels to the addressee a fee not exceeding 50 centimes gold per parcel. The same fee may be charged, if the case arises, for each presentation after the first at the addressee's residence or place of business.

Fees.

## ARTICLE IX.

## WAREHOUSING CHARGES.

The country of destination is authorized to collect the warehousing charge fixed by its legislation for parcels addressed "General Delivery" or which are not claimed within the prescribed period. This charge may in no case exceed five gold francs.

Warehousing  
charges.

## ARTICLE X.

## CUSTOMS CHARGES.

The parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel in accordance with the customs regulations of the country of destination.

Customs charges.

## ARTICLE XI.

## CUSTOMS CHARGES TO BE CANCELLED.

The customs charges on parcels sent back to the country of origin or redirected to another country shall be cancelled both in the Colony of Fiji and in the United States of America.

Parcels returned or  
redirected.

## ARTICLE XII.

## RECALL AND CHANGE OF ADDRESS.

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be changed. The Postal Administration of the country of origin may collect and retain, for this service, the charge fixed by its regulations. The requests for recall or change of address of parcels to be delivered in the United States of America shall be addressed to the Central Administration at Washington; those relating to parcels for delivery in the Colony of Fiji shall be addressed to the General Post Office, Suva.

Recall and change  
of address.

## ARTICLE XIII.

## CERTIFICATE OF MAILING.

The sender will, on request at the time of mailing a parcel, receive a certificate of mailing from the post office where the parcel is mailed, on a form provided for the purpose; and each country may fix a reasonable fee therefor.

Certificate of mail-  
ing; fee.

## ARTICLE XIV.

## INQUIRIES AND COMPLAINTS.

## Fees.

1. A fee may be charged, at the option of the country of origin, on a request for information as to the disposal of a parcel made after it has been posted.

2. A fee may also be charged, at the option of the country of origin, in connection with any complaint of any irregularity which *prima facie* was not due to the fault of the Postal Service.

## ARTICLE XV.

## MISSENT PARCELS.

## Missent parcels.

Parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the reforwarding Postal Administration. They must not be charged with customs or other charges by that Administration.

## Refund of credits if parcel returned.

When the reforwarding involves return of the parcel to the office of origin, the retransmitting Postal Administration refunds to that office the credits received and reports the error by a Bulletin of Verification.

## Reforwarding to a third country.

When the reforwarding involves dispatch of a parcel to a third country and if the amount credited to the retransmitting Postal Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Postal Administration allows to the Postal Administration to which it forwards the parcel the credits due it; it then recovers the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a Bulletin of Verification.

## ARTICLE XVI.

## REFORWARDING.

## Reforwarding.

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination, at the request of either the sender or the addressee.

## Supplementary charges.

The reforwarding of a parcel within either the United States of America or the Colony of Fiji gives rise to the collection of the supplementary charges provided for by the Postal Administration reforwarding the parcel. The same is true, if occasion arises, in regard to the delivery of such parcel to another person at the original place of destination. These charges shall not be cancelled even in case the parcel is returned to origin or is reforwarded to another country.

## New postage charges.

2. If a parcel must be reforwarded to either the United States of America or the Colony of Fiji, it is liable to new postage charges, unless such charges have been paid in advance. The new postage is collected from the addressee by the Postal Administration effecting the delivery.

## Reforwarding or return to another country.

3. At the request of the sender or addressee, parcels may also be reforwarded or returned to another country. The senders may mark the parcels: "Do not forward to a third country." In that case, the parcels must not be reforwarded to any other country.

## ARTICLE XVII.

## NON-DELIVERY.

1. Undeliverable parcels returned to the sender are liable to new postage charges. The charges are collectible from the sender and are collected by the Postal Administration delivering the parcels to him.

Charges.

2. At the time of mailing, the sender must state how his parcel is to be disposed of in the event of non-delivery; that is, the sender must mark the parcel and the customs declarations with one of the following notes:—

Instructions in case of non-delivery.

“In case of non-delivery, the parcel should be returned to the sender”;

“In case of non-delivery, the parcel should be considered as abandoned”;

“In case of non-delivery, the parcel should be delivered to -----”.

No note other than those provided for above, or note of similar import, is permitted, except as provided in Article XVI, Section 3.

3. Barring contrary instructions, undeliverable parcels are returned to origin, without previous notification, 30 days after their arrival at the office of destination. Parcels which the addressee refuses to accept shall be returned immediately. In all cases, the reason for non-delivery must be indicated on the parcel.

Undeliverable parcels.

4. Parcels liable to deterioration or corruption may be sold immediately even en route, on the outward or return voyage, without previous notice and without judicial formality, for the benefit of the rightful party.

Parcels liable to deterioration.

If, for any reason, sale is impossible, the deteriorated or corrupted articles are destroyed. The sale or destruction gives rise to the making of a report which is sent to the Postal Administration of origin.

5. Undeliverable parcels which the sender has abandoned may, at the expiration of a 30-day period, be sold for the profit of the Postal Administration of the country of destination.

Abandoned parcels.

6. The provisions of Article XVIII, Section 2, shall be applied to a parcel which is returned in consequence of non-delivery.

Provisions applicable.

## ARTICLE XVIII.

## CHARGES.

1. For each parcel exchanged between the United States of America and the Colony of Fiji the dispatching Office credits to the Office of destination in the parcel bills the quotas due to the latter, and indicated in the Regulations of Execution.

Credits.

2. In case of reforwarding or return to origin of a parcel, if new postage is collected by the redispatching office, the parcel is treated as if it had originated in that country. Otherwise, the redispatching Office recovers from the other Office the quota due to it, namely, as the case may be:

Post, p. 2037.

(a) The charges prescribed by Section 1 above;

(b) The charges for reforwarding or return.

Reforwarding or return to origin.

In the case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a) and (b) above as are applicable, shall follow the parcel, but in the case that the third

Reforwarding or return to a third country.

country concerned refuses to assume the charges because they cannot be collected from the addressee or sender, as the case may be, or for any other reason, they shall be charged back to the country of origin.

Return or reforwarding in transit.

In the case of a parcel returned or reforwarded in transit through one of the two Postal Administrations to or from the other, the intermediary Administration may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

## ARTICLE XIX.

### POSTAL CHARGES OTHER THAN THOSE PRESCRIBED NOT TO BE COLLECTED.

Postal charges; restriction.

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

## ARTICLE XX.

### DEFINITION OF GOLD FRANCS AND CENTIMES.

Monetary definitions.  
49 Stat. 2741.

The francs and centimes mentioned in this agreement are gold francs and centimes as defined by the Postal Union Convention.

## ARTICLE XXI.

### AIR PARCELS.

Surtax.

The Chiefs of the two contracting Postal Administrations have the right to fix by mutual consent the air surtax and other conditions in the case where the parcels are conveyed by air routes.

## ARTICLE XXII.

### TEMPORARY SUSPENSION OF SERVICE.

Temporary suspension of service.

In extraordinary circumstances such as will justify the measure, either Postal Administration may temporarily suspend the parcel-post service, either entirely or partially, or restrict it to certain offices, on condition of giving immediate notice, if necessary by telegraph, to the other Postal Administration.

## ARTICLE XXIII.

### MATTERS NOT PROVIDED FOR IN THE PRESENT AGREEMENT.

Treatment of questions in accordance with domestic legislation.

1. Unless they are provided for in the present Agreement, all questions concerning requests for recall or change of address of parcels shall be treated in accordance with the domestic legislation of the United States of America or of the Colony of Fiji.

Detailed regulations.  
Post, p. 2037.

2. The details relative to the application of the present Agreement will be fixed by the two Postal Administrations in Regulations of Execution, the provisions of which may be modified or completed by common consent by way of correspondence.

Mutual notice of laws, etc.

3. The two Postal Administrations notify each other mutually of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as of all modifications in rates which may be subsequently made.

## ARTICLE XXIV.

## DURATION OF THE AGREEMENT.

1. This Agreement substitutes and abrogates the Parcel Post Convention signed at Suva the 10th day of June, 1920, and at Washington, the 21st day of August, 1920, and it shall become effective and may be put into force administratively on a date to be mutually settled between the Postal Administrations of the two countries.

Abrogation of former agreement.  
41 Stat. 1713.  
Effective date.

2. It shall remain in effect as long as it has not been terminated six months in advance by one or the other of the two Postal Administrations.

Duration.

Done in duplicate and signed at Washington, the 15th day of November 1938 and at Suva, the 10th day of January, 1939.

Signatures.

[SEAL]

JAMES A. FARLEY

*The Postmaster-General of the United States of America.*

C. O. TAYLOR

*The Acting Postmaster-General of the Colony of Fiji.*

## REGULATIONS OF EXECUTION FOR THE PARCEL POST AGREEMENT.

The following detailed Regulations for the Execution of the Parcel Post Agreement have been agreed upon by the Chiefs of the Postal Administrations of the United States of America and the Colony of Fiji:

Regulations for Execution.

## ARTICLE 1.

## LIMITS OF WEIGHT AND SIZE.

1. The parcels to be exchanged under the provisions of this Agreement may not exceed 22 pounds in weight nor three feet six inches in length or six feet in length and girth combined.

Limits of weight and size.

The limit of weight and of maximum dimensions stated above may be changed from time to time by agreement made through correspondence.

2. In regard to the exact calculation of the weight and dimensions, the indications furnished by the dispatching office will be accepted save in the case of obvious error.

## ARTICLE 2.

## PREPARATION OF PARCELS.

1. The name and address of the sender and of the addressee must be written legibly and correctly, on the parcel itself if possible, or on a label or tag securely affixed to the parcel.

Preparation of parcels.

It is recommended that a duplicate of the address be inserted in every parcel, especially when the use of a tag for the address is rendered necessary by the packing or form of the parcel.

Parcels on which the name of the sender or of the addressee is indicated by initials only are not admitted, unless the initials are the adopted trade name of the sender or addressee which is generally understood.

Addresses in ordinary pencil are not admitted. However, addresses written in indelible pencil on a previously dampened surface are accepted.

2. Each parcel must be packed in such a manner that the contents are protected over the whole route, and in such a way as to prevent the contents from damaging other parcels or objects or injuring postal agents. The packing must protect the contents sufficiently that, in case of rifling, the traces thereof may be easily discovered.

Parcels may be sealed at the option of the sender, or careful tying is sufficient as a mode of closing.

The Customs Administration of the country of destination is authorized to open the parcels in order to inspect the contents. To that end, the seals or any other fastenings may be broken. Parcels opened by the Customs must be refastened and also officially resealed, except in the case of parcels which were not sealed by the senders in the first instance.

3. Liquids and easily liquefiable substances must be sent in a double receptacle. Between the first (bottle, flask, box, &c.) and the second (box of metal, strong wood, strong corrugated cardboard, or strong carton of fibre-board, or receptacle of equal strength), there must be left a space to be filled with sawdust, bran, or other absorbent material, in sufficient quantity to absorb all the liquid in case the receptacle is broken.

4. Powders and dyes in powder form must be packed in strong boxes of tin or other metal which, after soldering, must be placed in turn in substantial outer covers in such a way as to avoid all damage to other articles.

### ARTICLE 3.

#### CUSTOMS DECLARATIONS.

Customs declarations.

1. The sender shall prepare one customs declaration for each parcel sent from either country, upon a special form provided for the purpose by the country of origin.

The customs declaration shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, gross and net weight, the sender's name and address, and the name and address of the addressee, and shall be securely attached to the parcel.

However, as an exception to the foregoing, when more than one parcel is mailed simultaneously by the same sender in the United States of America to the same addressee at the same address in the Colony of Fiji, or *vice versa*, the sender need prepare only one customs declaration for the entire shipment, which customs declaration shall show, in addition to the particulars set forth in the preceding paragraph, the total number of parcels comprising the shipment, and shall be securely attached to one of the parcels. The parcels comprising the entire shipment shall be clearly marked in such case with a fractional number, the numerator of which will indicate, in Arabic figures, the number of the parcel and denominator the number of parcels comprising the shipment; for example, if a single shipment were composed of 15 parcels, each parcel would be numbered, respectively,  $\frac{1}{15}$ ,  $\frac{2}{15}$ ,  $\frac{3}{15}$ , &c.

2. The Postal Administrations accept no responsibility for the correctness of the customs declarations.

### ARTICLE 4.

#### RECEPTACLES.

Receptacles.

1. The Postal Administrations of the two contracting countries shall provide the respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.



2. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. In case ten per cent. or more of the total number of bags used during the year have not been returned, the value of the missing bags must be repaid to the Postal Administration of origin.

## ARTICLE 5.

### METHOD OF EXCHANGE OF PARCELS.

1. The parcels shall be exchanged, in sacks duly fastened and sealed by the offices appointed by agreement between the two Postal Administrations, and shall be dispatched to the country of destination by the Country of origin at its cost and by such means as it provides.

Method of exchange  
of parcels.

2. The weight of any sack of parcels shall not exceed 80 lb. avoirdupois.

## ARTICLE 6.

### BILLING OF PARCELS.

1. The parcel bills must be prepared in duplicate. The original is sent in the regular mails, while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F" traced in a conspicuous manner on the label.

Billing of parcels.

2. The parcels included in each dispatch to the United States of America are to be entered on the parcel bills to show the total number of parcels and the total net weight thereof. The parcels included in each dispatch to the Colony of Fiji are to be entered on the parcel bills to show the total number of parcels according to the divisions of weight (a) up to 3 pounds, (b) 3 to 7 pounds, (c) 7 to 11 pounds, and (d) 11 to 22 pounds.

3. Parcels sent "à découvert" must be entered separately on the parcel bills.

4. Returned or redirected parcels must be entered individually on the parcel bills and be followed by the word "Returned" or "Redirected" as the case may be. A statement of the charges which may be due on these parcels and their weights should be shown in the "Observations" column.

5. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

6. Each dispatching exchange office numbers the parcel bills in the upper left-hand corner in accordance with an annual series. The last number of the preceding year must be mentioned on the first bill of the following year.

7. The exact method of advising parcels or the receptacles containing them sent by one Postal Administration in transit through the other, together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Agreement, shall be settled by mutual consent through correspondence between the two Postal Administrations.

## ARTICLE 7.

### VERIFICATION BY THE EXCHANGE OFFICE.

1. Upon receipt of a dispatch, the exchange office of destination proceeds to verify it. The entries in the parcel bill must be verified exactly. Each error or omission must be brought immediately to the

Verification by the  
exchange office.

knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If any error or irregularity is found upon receipt of a dispatch, all objects which may serve later on for investigations must be kept.

2. The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the office sending such telegram.

4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must redispach such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "repacked at -----," and the signature of the agents who have effected such repacking.

## ARTICLE 8.

### PAYMENT.

#### Payment.

1. For each parcel sent to the Colony of Fiji, payment shall be made at the rate of 1 franc per parcel not exceeding 3 pounds in weight, 1.50 francs per parcel weighing over 3 up to 7 pounds, 2.50 francs per parcel weighing over 7 up to 11 pounds, and 5 francs per parcel over 11 up to 22 pounds.

2. For each parcel sent to the United States of America or to its possessions, payment shall be made as follows, based on the bulk net weight of each dispatch:—

0.70 gold franc per kilogram for parcels for the United States;

0.35 gold franc per kilogram for parcels for the United States Virgin Islands, Hawaii Puerto Rico, Guam, and Samoa;

0.70 gold franc per kilogram for parcels for Alaska.

3. In addition, there shall be paid the following transit charges for parcels, sent *via* the United States of America for its possessions, based on the bulk net weight of each dispatch:—

0.70 gold franc per kilogram when only sea service is provided;

1.15 gold franc per kilogram when only land service is provided;

1.50 gold franc per kilogram when both land and sea services are provided.

4. The terminal quotas and transit charges above mentioned may be reduced or increased on three months previous notice given by one country to the other. The reduction or increase shall remain in force for at least one year.

## ARTICLE 9.

## ACCOUNTING.

1. At the end of each quarter, each Postal Administration makes up an account on the basis of the parcel bills.

Accounting.

2. These accounts accompanied by the parcel bills, and, if any, copies of verification notes relating thereto shall be submitted to the examination of the corresponding Postal Administration in the course of the month following the quarter to which they relate.

3. The recapitulation, transmission, examination and acceptance of these accounts must not be delayed, and payment of the balance shall take place, at the latest, at the expiration of the following quarter.

4. The balance resulting from the adjustment of accounts between the two Postal Administrations is paid by a sight draft drawn on New York, or by some other means mutually agreed upon by correspondence. The expenses of payment are chargeable to the debtor Administration.

## ARTICLE 10.

## MISCELLANEOUS NOTIFICATIONS.

The Postal Administrations shall communicate to each other a summary of the provisions of their laws or regulations applicable to the parcels exchanged between the two countries, and other items necessary for carrying out the exchange of parcels.

Miscellaneous notifications

These Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as that Agreement.

Entry into force; duration.

Done in duplicate and signed at Washington, the 15th day of November 1938 and at Suva, the 10th day of January 1939.

Signatures.

[SEAL]

JAMES A FARLEY

*The Postmaster-General of the United States of America.*

C. O. TAYLOR.

*The Acting Postmaster-General of the Colony of Fiji.*

The foregoing Parcel Post Agreement between the United States of America and the Colony of Fiji and the Regulations of Execution thereof have been negotiated and concluded with my advice and consent and they are hereby approved and ratified.

Approval by the President.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State*

WASHINGTON, November 22, 1938

October 28 and  
December 10, 1938  
[E. A. S. No. 136]

*Arrangement between the United States of America and Canada regarding radio broadcasting. Effected by exchange of notes, signed October 28 and December 10, 1938.*

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE,  
Washington, October 28, 1938.

SIR:

Arrangement with  
Canada regarding ra-  
dio broadcasting.

I have the honor to inform you of the Department's consideration of three arrangements resulting from the deliberations of the Inter-American Radio Conference which was held at Habana, Cuba from November 1 to December 13, 1937. Those Agreements relate to the following subjects:

a. Arrangement regarding radio broadcasting channels which provides for a tentative allocation of broadcasting frequencies established in view of the terms of the North American Regional Broadcasting Agreement, Habana 1937.

b. Agreement between the United States and Canada for the use of the frequency 540 kilocycles.

c. Agreement with respect to the assignment by the United States of a Class I-A station to the 700 kilocycle frequency with a power of 50 kilowatts or more and the assignment by Canada of a similar station with equal power on a frequency of 690 kilocycles.

For your convenience there are quoted the proposed arrangements outlined above:

#### a. ARRANGEMENT REGARDING RADIO BROADCASTING CHANNELS

There shall be in Canada sixteen full time station assignments to stations which at present are considered as regional or local stations, and under the proposed North American Broadcasting Agreement, signed at Habana, December 13, 1937, will be classified at Class III or Class IV. Six of these stations shall have a power of 1,000 watts each and ten a power of 100 watts each, as follows;

Present Frequency (kc)	Proposed	Station	Location	Power	Class
1030	1300	CJBR	Rimouski, Que.	1000w	III
840	600	CFQC	Saskatoon, Sask.	1000	III
910	610	CJAT	Trail, B. C.	1000	III
960	610	CHNC	New Carlisle, Que.	1000	III
1010	620	CKCK	Regina, Sask.	1000	III
730	1260	CJCA	Belmont View, Alta.	1000	III
730	1230	CKPR	Port Arthur, Ont.	100	IV
690	1230	CJCJ	Calgary, Alta.	100	IV
730	1400	CFPL	London, Ont.	100	IV
1010	1240	CKIC	Wolfville, N. S.	100	IV
			(50w)		
1010	1450	CKWX	Vancouver, B. C.	100	IV
1010	1310	CKCD			
		CHML	Saltfleet Twp. Ont. (Hamilton)	100	IV
	960	CFRN	Edmonton, Alta.	100	IV
	1010	CKCO	Boom Island, Que.	100	IV
	1510	CKCR	Waterloo, Ont.	100	IV
	1510	CFRC	Kingston, Ont.	100	IV

In the case of Station CHML which remains on a regional channel, the Government of the United States agrees to protect this station from interference to the same extent as it is protected from other Canadian stations but in no event to a greater extent than that provided for Class IV stations on local channels.

These assignments are hereby reserved pending ratification of and placing in operation of the proposed North American Regional Broadcast Agreement. Pending such events, the Governments of Canada and the United States agree that in making any changes in existing station assignments as of the date of this exchange of notes, or authorizing new assignments after that date, the assignments set out above will be afforded protection in accordance with the allocation standards as provided in the proposed Agreement.

In addition to these sixteen stations, there are thirteen stations now operating in Canada with power of 100 watts on channels that are now classified as regional channels and which under the terms of the proposed Agreement will be regional channels for assignment of Class III stations with a minimum power of 500 watts. Part II C 5 (b) of the proposed Agreement provides that Class IV stations may operate on regional channels, but, when so operated, they are subject to such interference as may be received from Class III stations which are not required to protect the Class IV stations on the same regional channel. The Parties to this exchange of notes recognize that, if possible, these stations should be reassigned to local channels in order that they may be afforded protection from interference from other stations in accordance with the allocation standards for Class IV stations. The assignments for these stations are provided accordingly as follows:

<i>Frequency (kc)</i>		<i>Station</i>	<i>Location</i>	<i>Power</i>	<i>Class</i>
<i>Present</i>	<i>Proposed</i>				
630	630	CFCO	Chatham, Ont.	100 w	IV
930	1230	CFCH	North Bay, Ont.	100	IV
580	1240	CFPR	Prince Rupert, B. C.	100	IV
950	1240	CJOC	Lethbridge, Alta.	100	IV
1120	1240	CRCS	Chicoutimi, Que.	100	IV
930	1450	CFLC	Prescott, Ont.	100	IV
930	1380	CKPC	Brantford, Ont.	100	IV
580	1450	CKCL	Toronto, Ont.	100	IV
1390	1450	CJGX	Yorkton, Sask.	100	IV
1450	1480	CHGS	Summerside, P. E. I.	100	IV
1120	1490	CHLP	Montreal, Que.	100	IV
1410	1490	CKFC	Vancouver, B. C.	100	IV
1410	1490	CKMO	Vancouver, B. C.	100	IV

Three of these stations (CFCO, CKPC, and CHGS) remain on regional channels and in accordance with the provisions above mentioned are not afforded protection from interference from the Class III stations on the channel. However, the Government of the United States agrees to protect these stations from interference to the same extent that they are protected from other Canadian stations but in no event to a greater extent than that provided for Class IV stations on local channels.

b. Recognizing the desirability of preserving the principle of their existing understanding as to the use of the frequency of 540 kilocycles for broadcasting by Canada and recognizing the desirability of affording, as far as reasonably can be done, protection to important aeronautical and maritime mobile services of the United States using frequencies in the non-public service band of 515 to 550 kilocycles from broadcast interference, the undersigned have agreed as follows:

1. The frequency 540 kilocycles may be used by Canada for broadcasting purposes at a Canadian station which shall be located in the Province of Saskatchewan and operated so as not to produce a ground wave signal intensity in excess of 500 microvolts per meter on the Canadian-United States border west of longitude 105° W.

2. The United States of America may require that a directional antenna be installed at the station and that, if and when advice to that effect is given, Canada will install such directional antenna within one year from the date of receipt by Canada of such advice. The direction of maximum suppression of the antenna should be as near as possible in the direction of San Francisco, subject to allowing for a ground wave signal of 500 microvolts per meter intensity at any point along the boundary between Saskatchewan and the United States.

3. When, as and if a substitute broadcasting channel acceptable to the Canadian Government is made available for this station Canada agrees to discontinue the use of 540 kilocycles for broadcasting purposes.

4. This Agreement shall become effective from the date on which the North American Regional Agreement, signed at Habana on the 13th day of December, 1937, becomes effective. It shall remain in effect until the expiration, on the part of the United States and Canada, of the said North American Regional Agreement.

5. The undersigned will recommend to their respective governments that consideration be given to the cancellation, on the date on which this Agreement becomes effective, of all prior agreements insofar as they have reference to the use of 540 kilocycles by Canada for broadcasting.

c. The Government of the United States of America agrees that if it should assign a Class I-A station to the channel 700 kilocycles with power greater than 50 kilowatts, it will take, or cause to be taken, such measures as are necessary to prevent the field intensity delivered by such station at night from exceeding a value five times as great as that which would be delivered by an efficient 50 kilowatt transmitter located at or near Montreal, Canada, on 690 kilocycles at a point near Rochester, New York. For this purpose the field intensities of the United States station shall be based on the 10% skywave and the Canadian station on the 50% skywave, during the second hour after sunset. If the field intensity delivered by the Canadian station should exceed that which would be delivered by an efficient 50 kilowatt transmitter then the actual field strength shall be taken as the basis for said ratio. In no event, however, shall the Class I-A station in the United States be required to deliver a field strength at said point less than that which would be delivered by an efficient 50 kilowatt transmitter located at or near Cincinnati, Ohio.

I accordingly have the honor to inquire whether the three Agreements outlined in this communication have the approval of your Government and whether, in the event of that approval, it is agreeable to the publication immediately of this note and such favorable reply as you may find it possible to make, it being understood that none of these Agreements shall become effective until the effective date of the North American Regional Broadcasting Agreement.

Accept, Sir, the renewed assurance of my highest consideration.

CORDELL HULL

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.*

*The Canadian Minister (Marler) to the Acting Secretary of State (Welles)*

No. 291

CANADIAN LEGATION  
*Washington, December 10, 1938*

SIR,

With reference to your note No. 576.K1/658 of the 28th October, 1938, concerning three arrangements resulting from the deliberations of the Inter-American Radio Conference, which was held at Habana, Cuba, from November 1 to December 13, 1937, I have the honour to state that the three proposed Agreements quoted in your note have the approval of the Government of Canada, it being understood that none of the three Agreements shall become effective until the effective date of the North American Broadcasting Agreement.

The Canadian Government are agreeable to the publication immediately of your note and of this reply.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

W. A. RIDDELL  
For the Minister

The Hon. SUMNER WELLES,

*Acting Secretary of State of the United States,*

*Washington, D. C.*

November 15, 1938  
[E. A. S. No. 137]

*Provisional commercial agreement between the United States of America and Greece. Effected by exchange of notes, signed November 15, 1938; effective January 1, 1939. With a supplementary note of the American Minister signed November 19, 1938.*

*The American Minister (MacVeagh) to the President of the Council of Ministers and Minister for Foreign Affairs of Greece (Metaxas)*

No. 375. LEGATION OF THE UNITED STATES OF AMERICA  
*Athens, November 15, 1938.*

EXCELLENCY:

Provisional com-  
mercial agreement  
with Greece.

I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Athens by representatives of the Government of the United States of America and the Government of the Kingdom of Greece with reference to the treatment which the United States of America shall accord to the commerce of the Kingdom of Greece and which the Kingdom of Greece shall accord to the commerce of the United States of America.

These conversations have disclosed a mutual understanding between the two Governments which is that the United States of America will accord to the commerce of the Kingdom of Greece and the Kingdom of Greece will accord to the commerce of the United States of America, its territories and possessions, non-discriminatory treatment.

Accordingly the two Governments have agreed upon the following provisions:

I

Most-favored-nation  
treatment.

With respect to customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or the Kingdom of Greece to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the Kingdom of Greece or the United States of America, respectively.

II

Regulation, limita-  
tion, or control of  
imports.

1. Neither the Government of the United States of America nor the Royal Hellenic Government shall regulate by import licenses or permits the importation into its territory of any article in which the other country has an interest, or by any method maintain limitation or control of the amount of importation of any such article, unless similar



action is taken with respect to the importation of such article from all other countries.

2. If imports of such an article from the other country are, directly or indirectly, restricted by such regulation, limitation, or control, the Government taking such action shall establish in advance, and inform the other Government of, the total amount permitted to be imported from all countries during any specified period, which shall not be shorter than three months, and of any increase in such amount during the specified period, and shall either—

(a) Impose no limitation on the part of such total amount which may be imported from the other country; or

(b) Establish in advance, and inform the other country concerning, the quota of such article which shall be permitted to be imported from the other country during the specified period. Such quota, as originally established or subsequently changed, shall be equivalent to the proportion of the total importation of such article which the other country supplied during past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. Where a quota for importation from the other country is established, no obstacle, administrative or otherwise, shall be placed in the way of importation sufficient to fill the quota allotted to the other country. If the total amount permitted entry from all countries is increased during any quota period, the quota established for the other country shall be increased proportionately.

3. If the Government of either country establishes or maintains such regulation, limitation, or control of the importation of an article in which the other country has an interest, it shall—

(a) Make public the regulations regarding the issuance of licenses or permits, or regarding any other method of limitation or control, before such regulations are put into force;

(b) Administer any system of licenses or permits or any other method of limitation or control so as not to discriminate against importation from the other country, and in no manner, directly or indirectly, influence importers regarding the country from which they shall seek permission to import any such article;

(c) Ensure that there shall be no undue delay in the issuance of licenses or permits;

(d) Ensure that any duly qualified importer seeking to establish new, or to reestablish old, trade connections with the other country, or to maintain such trade connections, shall be given reasonable opportunity to import any such article; and upon request inform any such duly qualified importer whose application is rejected of the reasons for such rejection;

(e) At all times upon request advise the Government of the other country of the amount of any such article, the growth, produce, or manufacture of each exporting country which has been imported, or for which licenses or permits for importation have been granted.

4. The provisions of this Article shall also be applicable with respect to any regulation, limitation, or control imposed by either Government upon the importation of such article at a particular rate of duty or charge.

## III

Establishment or maintenance of control of means of international payment.

In the event that the Government of the United States of America or the Royal Hellenic Government establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

(a) Impose no prohibition, restriction, condition, or delay on the transfer of payment for imported articles the growth, produce, or manufacture of the other country, or of payments necessary for and incidental to the importation of such articles;

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of all articles the growth, produce, or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce, or manufacture of any third country; and

(c) Accord unconditionally, with respect to all rules and formalities applying to exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation of the like articles the growth, produce, or manufacture of any third country.

## IV

Purchases by Government monopolies, etc.

1. In the event that the Government of the United States of America or the Royal Hellenic Government establishes or maintains a monopoly for the importation, production, or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce, or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

2. It is agreed that the Government of each country, in the awarding of contracts for public works and generally in the purchase of supplies, shall not discriminate against the other country in favor of any third country.

## V

Exceptions to provisions of Agreement.

1. The advantages now accorded or which may hereafter be accorded by the United States of America or the Kingdom of Greece to adjacent countries in order to facilitate frontier traffic, and advantages

resulting from a customs union to which either the United States of America or the Kingdom of Greece may become a party, shall be excepted from the operation of this Agreement.

2. The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement.

3. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life or health; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws.

4. Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the importation or exportation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies, and it is agreed, further, that nothing in this Agreement shall be construed to prevent the adoption or enforcement of measures relating to neutrality.

## VI

The present Agreement shall replace the exchange of notes between the Government of the United States and the Government of the Kingdom of Greece of December 9, 1924,<sup>1</sup> and shall become operative on the first day of January, 1939, and shall continue in force until superseded by a more comprehensive commercial agreement or by a definitive treaty of commerce and navigation, or until denounced by either country by advance written notice of not less than thirty days.

Accept, Excellency, the renewed assurances of my highest consideration.

LINCOLN MACVEAGH

His Excellency JOHN METAXAS,  
*President of the Council of Ministers  
 and Minister for Foreign Affairs,  
 Athens.*

Former exchange of  
 notes replaced.

Effective date.

Duration.

Denunciation.

<sup>1</sup> Treaty Series No. 706.

*The President of the Council of Ministers and Minister for Foreign Affairs of Greece (Metaxas) to the American Minister (MacVeagh)*

ΤΠΟΤΡΓΕΙΟΝ  
ΕΠΙ ΤΩΝ  
ΕΞΩΤΕΡΙΚΩΝ

Ἀριθ. 27039/Γ/1/λ

ΕΝ ΑΘΗΝΑΙΣ, ΤΗ 15 Νοεμβρίου 1938

Κύριε Πρεσβευτά,

Ἐχῶ τὴν τιμὴν νὰ γνωρίσω ὑμῖν τὴν λήψιν τῆς ἀπὸ 15 Νοεμβρίου 1938 ὑμετέρας ἐπιστολῆς ἐχούσης οὕτω:

„Ἐχῶ τὴν τιμὴν νὰ δηλώσω ὑμῖν τὰ ἐξῆς περὶ τοῦ τρόπου, καθ' ὃν ἀντιλαμβάνομαι τὴν ἐπιτευχθεῖσαν συμφωνίαν διὰ τῶν προσφάτως ἐν Ἀθήναις διεξαχθεῖσάν συνομιλιῶν μεταξύ ἀντιπροσώπων τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Κυβερνήσεως τοῦ Βασιλείου τῆς Ἑλλάδος ἐν σχέσει πρὸς τὴν μεταχείρισιν ἣτις θέλει παρασχεθῇ ὑπὸ τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς εἰς τὸ ἐμπόριον τοῦ Βασιλείου τῆς Ἑλλάδος, καὶ ὑπὸ τοῦ Βασιλείου τῆς Ἑλλάδος εἰς τὸ ἐμπόριον τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

Ἐκ τῶν συνομιλιῶν τούτων διεπιστώθη ἀμοιβαία συμφωνία μεταξύ τῶν δύο Κυβερνήσεων ὅπως αἱ Ἑνωμέναι Πολιτεῖαι τῆς Ἀμερικῆς παρέχωσιν εἰς τὸ ἐμπόριον τοῦ Βασιλείου τῆς Ἑλλάδος, καὶ τὸ Βασίλειον τῆς Ἑλλάδος παρέχῃ εἰς τὸ ἐμπόριον τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς, τῶν ἐδαφῶν καὶ κτήσεων αὐτῆς, μεταχείρισιν μὴ ἀποτελοῦσαν μειονεκτικὴν διάκρισιν. (non discriminatory treatment).

Κατὰ ταῦτα αἱ δύο Κυβερνήσεις συνεφώνησαν ἐπὶ τῶν κατωτέρω διατάξεων.

## I

Ἐν σχέσει πρὸς τοὺς τελωνειακοὺς δασμοὺς καὶ τὰ πάσης φύσεως τέλη, τοὺς ἐπιβαλλομένους ἐπὶ τῆς εἰσαγωγῆς ἢ ἐξαγωγῆς, ἢ ἐν συναφείᾳ πρὸς ταύτας καὶ ἐν σχέσει πρὸς τὴν μέθοδον τῆς ἐπιβολῆς τῶν ἐν λόγῳ δασμῶν ἢ τελῶν, καὶ ἐν σχέσει πρὸς πάσας τὰς διατάξεις καὶ διατυπώσεις τὰς ἀναφερομένας εἰς τὴν εἰσαγωγὴν ἢ ἐξαγωγὴν, καὶ ἐν σχέσει πρὸς πάντας τοὺς νόμους ἢ κανονισμοὺς τοὺς ἀφορῶντας τὴν πώλησιν, φορολογίαν ἢ χρῆσιν ἐντὸς τῆς χώρας τῶν εἰσαγομένων ἐμπορευμάτων, πᾶν πλεονέκτημα, εὐνοια, προνόμιον ἢ ἀπαλλαγὴ ἣτις ἔχει παρασχεθῇ ἢ θέλει παρασχεθῇ μεταγενεστέρως ὑπὸ τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἢ τοῦ Βασιλείου τῆς Ἑλλάδος ὑπὲρ οἰουδήποτε εἰδους προελεύσεως ἢ προορισμοῦ οἰασθήποτε τρίτης χώρας, θέλει παρασχεθῇ ἀμέσως καὶ ἄνευ ὄρων εἰς τὸ αὐτὸ εἶδος προελεύσεως ἢ προορισμοῦ τοῦ Βασιλείου τῆς Ἑλλάδος ἢ τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

## II

1. Οὐτε ἡ Κυβέρνησις τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς οὔτε ἡ Βασιλικὴ Ἑλληνικὴ Κυβέρνησις θέλουσι ρυθμίζει τὴν εἰσαγωγὴν εἰδους τινὸς διὰ τὸ ὅποιον ἐνδιαφέρεται ἡ ἑτέρα χώρα δι' αἰδειῶν ἢ ἐγκρίσεων εἰσαγωγῆς, οὐδὲ θέλουσι διατηρῇ καθ' οἷονδήποτε τρόπον περιορισμοὺς ἢ ἐλεγχον τῆς ποσότητος τῆς εἰσαγωγῆς τοιαύτου τινος εἰδους, πλὴν ἐάν ἤθελε ληφθῇ τὸ αὐτὸ μέτρον ἐπὶ τῆς εἰσαγωγῆς τοῦ εἰδους τούτου ἐκ πάσης ἄλλης χώρας.

2. Ἐάν ἡ εἰσαγωγή τοιούτου τινος εἵδους ἐκ τῆς ἐτέρας χώρας ἤθελεν ᾗ περιορισμένη, ἀμέσως ἢ ἐμμέσως, διὰ τοιαύτης ρυθμίσεως, περιορισμοῦ ἢ ἐλέγχου, ἡ Κυβέρνησις ἥτις ἤθελεν ἐφαρμογή τοιούτου μέτρου ὀφείλει νά καθορίσῃ ἐκ τῶν προτέρων τό συνολικόν ποσόν τοῦ ὁποίου θά ἐπιτρέπεται ἡ εἰσαγωγή ἐκ πασῶν τῶν χωρῶν ἐντός προσδιωρισμένης τινός χρονικῆς περιόδου, οὐχί μικρότερας τῶν τριῶν μηνῶν, καί νά πληροφορῇ τήν ἐτέραν Κυβέρνησιν περὶ τοῦτου ὡς καί περὶ πάσης αὐξήσεως τοῦ εἰρημένου ποσοῦ κατὰ τήν προσδιωρισμένην χρονικὴν περίοδον, ὀφείλει δέ εἶπε:

(α) Νά μὴ ἐπιβάλλῃ περιορισμόν ὡς πρὸς τό τμῆμα τοῦ ῥηθέντος συνολικοῦ ποσοῦ, ὅπερ θά δύναται νά εἰσαχθῇ ἐκ τῆς ἐτέρας χώρας ἢ

(β) Νά καθορίσῃ ἐκ τῶν προτέρων, καί πληροφορῇ περὶ τοῦτου τήν ἐτέραν χώραν, τό ποσοστόν (quota) ἐκ τοῦ εἵδους τοῦτου, ὅπερ θά ἐπιτρέπεται νά εἰσάγεται ἐκ τῆς ἐτέρας χώρας κατὰ τήν προσδιορισθεῖσαν χρονικὴν περίοδον. Τό ποσοστόν τοῦτο, ὡς ὠρίσθη ἀρχικῶς ἢ ἐτροποποιήθη μεταγενεστέρως, δεόν νά ᾖ ἰσοδύναμον πρὸς τό ποσοστόν τῆς συνολικῆς εἰσαγωγῆς τοῦ εἵδους τοῦτου, τό ὁποῖον ἐπρομήθευσεν ἡ ἐτέρα χώρα κατά παρωχημένα ἔτη, λαμβανομένων ὅπ' ὅσιν, ἐφ' ὅσον τοῦτο εἶναι ἐφικτόν, εἰς ἐνδεδειγμέναις περιπτώσεσι τῶν τυχόν εἰδικῶν παραγόντων οἵτινες δυνατόν νά ἐπέδρασαν ἢ νά ἐπιδρῶσιν ἐπὶ τοῦ ἐμπορίου τοῦ εἵδους τοῦτου. Εἰς ἄς περιπτώσεις ἤθελεν προσδιορισθῇ ποσοστόν διὰ τήν ἐκ τῆς ἐτέρας χώρας εἰσαγωγήν δεόν νά μὴ παρεμβάλληται διοικητικῆς ἢ ἐτέρας φύσεως κώλυμα εἰς τήν ἀπαιτουμένην πρὸς κάλυψιν τοῦ παραχωρηθέντος τῇ ἐτέρᾳ χώρα ποσοστοῦ εἰσαγωγῆν. Ἐάν, διαρκούσης χρονικῆς τινος περιόδου περιορισμῶν, ἤθελεν αὐξηθῇ τό συνολικόν ποσόν εἰσαγωγῆς ἐκ πασῶν τῶν χωρῶν, τό διὰ τήν ἐτέραν χώραν καθορισθέν ποσοστόν δεόν νά αὐξηθῇ κατ' ἀναλογία.

3. Ἐάν ἡ Κυβέρνησις ἐκατέρας χώρας ἤθελεν εἰσαγάγῃ ἢ διατηρῇ τοιαύτην ρύθμισιν, περιορισμόν ἢ ἔλεγχον ἐπὶ τῆς εἰσαγωγῆς εἵδους διὰ τό ὁποῖον ἐνδιαφέρεται ἡ ἐτέρα χώρα, ὀφείλει ὅπως:

(α) Δίδῃ δημοσιότητα εἰς τοὺς κανονισμοὺς τοὺς ἀφορῶντας τήν ἔκδοσιν ἐγκρίσεων ἢ ἀδειῶν, ἢ τοὺς ἀφορῶντας οἰονδήποτε ἕτερον σύστημα περιορισμοῦ ἢ ἐλέγχου, πρὸ τῆς θέσεως ἐν ἰσχύϊ τῶν εἰρημένων κανονισμῶν.

(β) Ἐφαρμόξῃ οἰονδήποτε σύστημα ἐγκρίσεων ἢ ἀδειῶν ἢ οἰονδήποτε ἐτέραν μέθοδον περιορισμοῦ ἢ ἐλέγχου κατὰ τρόπον τοιούτον, ὥστε νά μὴ θέτῃ εἰς μειονεκτικὴν διάκρισιν τήν ἐκ τῆς ἐτέρας χώρας εἰσαγωγήν καί μὴ ἐπηρεάζῃ καθ' οἰοδήποτε τρόπον, ἀμέσως ἢ ἐμμέσως, τοὺς εἰσαγωγεῖς ὡς πρὸς τήν χώραν διὰ τήν ὁποίαν δεόν νά ζητήσωσιν ἄδειαν εἰσαγωγῆς τοῦ τοιούτου εἵδους.

(γ) Μεριμᾷ, ὅπως οὐδεμία ἀδικαιολόγητος βραδύτης ἐπέρχεται εἰς τήν ἔκδοσιν τῶν ἐγκρίσεων ἢ ἀδειῶν.

(δ) Μεριμᾷ, ὅπως παρέχεται εἰς πάντα νομίμως ἔχοντα ἢ ἀποκτήσαντα τήν ιδιότητα τοῦ εἰσαγωγέως, ἐπιζητοῦντα νά συνάψῃ νέας ἢ νά ἀποκαταστήσῃ παλαιάς, ἐμπορικὰς σχέσεις μετὰ τῆς ἐτέρας χώρας, ἢ νά διατηρήσῃ τοιαύτας ἐμπορικὰς σχέσεις, λογικὴ εὐκαιρία ἵνα εἰσαγάγῃ οἰονδήποτε τοιούτον εἶδος, καί ὅπως τῇ αἰτῇσει παντός τοιούτου νομίμως ἔχοντος ἢ ἀποκτήσαντος τήν ιδιότητα εἰσαγωγέως τοῦ ὁποίου ἡ αἰτήσις ἤθελεν ἀπορριφθῇ ἀνακρινόμενα εἰς αὐτόν οἱ λόγοι τῆς ἀπορρίψεως.

(ε) Πληροφορῇ, ὡς αἰτῇσις ἤθελε ζητηθῇ τοῦτο, τήν Κυβέρνησιν τῆς ἐτέρας χώρας περὶ τοῦ ποσοῦ παντός τοιούτου εἵδους, παραγωγῆς ἢ κατασκευῆς ἐκάστης ἐξαγωγικῆς χώρας, τό ὁποῖον εἰσήχθη, ἢ διὰ τό ὁποῖον ἐχορηγήθησαν ἐγκρίσεις ἢ ἀφαιρῇ εἰσαγωγῆς.

4. Αἱ διατάξεις τοῦ παρόντος ἔθρου θέλουσιν ἔχει ἐφαρμογὴν καὶ ἐπὶ πάσης ρυθμίσεως, περιορισμοῦ ἢ ἐλέγχου ἐπιβαλλομένων ὑπὸ ἑκατέρας τῶν Κυβερνήσεων κατὰ τὴν εἰσαγωγὴν τοιοῦτου εἶδους ἐπὶ εἰδικῷ δασμῷ ἢ τέλει.

### III

Ἐν περιπτώσει καθ' ἣν ἡ Κυβέρνησις τῶν Ἠνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἢ ἡ Βασιλικὴ Ἑλληνικὴ Κυβέρνησις ἤθελεν ἐπιβάλλει ἢ διατηρῇ, ἀμέσως ἢ ἐμμέσως, οἰονδήποτε εἶδος ἐλέγχου τῶν μέσων διεθνῶν πληρωμῶν, ἀναλαμβάνει ὅπως, ἐν τῇ ἐφαρμογῇ τοῦ τοιούτου ἐλέγχου:

(α) Μὴ ἐπιβάλλῃ περιορισμόν, ἀπαγόρευσιν, ὅρον, ἢ καθυστέρησιν τινα διὰ τὴν μεταφορὰν τῆς ἀξίας εἰσαχθέντων εἰδῶν, παραγωγῆς ἢ κατασκευῆς τῆς ἑτέρας χώρας, ἢ διὰ πληρωμὰς ἀπαιτουμένας διὰ τὴν εἰσαγωγὴν τοιούτων εἰδῶν καὶ ἀναγομένας εἰς ταύτην.

(β) Παρέχῃ ἄνευ ὁρων, ὡς πρὸς τὰς τιμὰς τοῦ συναλλάγματος, τοὺς φόρους ἢ τὰ πρόσθετα τέλη ἐπὶ τῶν συναλλαγματικῶν πράξεων τῶν σχετικῶν πρὸς πληρωμὰς διὰ τὴν εἰσαγωγὴν, παντός εἶδους παραγωγῆς ἢ κατασκευῆς τῆς ἑτέρας χώρας, ἢ ἀναγκαίας ἢ ἀναγομένας εἰς ταύτην, μεταχειρίσιν οὐχὶ ὀλιγώτερον εὐνοϊκὴν τῆς παρεχομένης διὰ τὴν εἰσαγωγὴν οἰοδήποτε εἶδους παραγωγῆς ἢ κατασκευῆς οἰασδήποτε τρίτης χώρας, καὶ

(γ) Παρέχῃ ἄνευ ὁρων, ὡς πρὸς πάντας τοὺς κανονισμοὺς καὶ διατυπώσεις τοὺς ἀφορῶντας πράξεις ἐπὶ συναλλάγματος σχετικὰς πρὸς πληρωμὰς διὰ τὴν εἰσαγωγὴν εἰδῶν παραγωγῆς ἢ κατασκευῆς, τῆς ἑτέρας χώρας ἢ ἀναγκαίας ἢ ἀναγομένας εἰς ταύτην, μεταχειρίσιν οὐχὶ ὀλιγώτερον εὐνοϊκὴν τῆς παρεχομένης διὰ τὴν εἰσαγωγὴν τῶν αὐτῶν προϊόντων παραγωγῆς ἢ κατασκευῆς οἰασδήποτε τρίτης χώρας.

### IV

1. Ἐν ᾗ περιπτώσει ἡ Κυβέρνησις τῶν Ἠνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἢ ἡ Βασιλικὴ Ἑλληνικὴ Κυβέρνησις ἤθελεν ἰδρύσει ἢ διατηρῇ μονοπώλιον διὰ τὴν εἰσαγωγὴν, παραγωγὴν ἢ πώλησιν ὠρισμένου τινός εἶδους ἢ ἤθελε παραχωρήσει, τύποις ἢ κατ' οὐσίαν, εἰς ἓνα ἢ περισσότερους ὁργανισμοὺς ἀποκλειστικὰ προνόμια εἰσαγωγῆς, παραγωγῆς ἢ πωλήσεως ὠρισμένου εἶδους, ἢ Κυβέρνησις τῆς συνιστώσης ἢ διατηρούσης τοιοῦτον μονοπώλιον, ἢ παραχωρήσῃ τοιαῦτα μονοπωλιακὰ προνόμια χώρας, συμφωνεῖ, ὅπως, ἐν σχέσει πρὸς τὰς ἐκ τοῦ ἐξωτερικοῦ προμηθείας τοῦ τοιούτου μονοπωλίου ἢ ὁργανισμοῦ, παρέχεται εἰς τὸ ἐμπόριον τῆς ἑτέρας χώρας δικαία καὶ ἴση μεταχειρίσις. Πρὸς τὸν σκοπὸν τοῦτον συμφωνεῖται ὅπως, ἐν τῇ διενεργείᾳ τῶν ἐκ τοῦ ἐξωτερικοῦ προμηθειῶν οἰοδήποτε εἶδους, τὸ ἐν λόγῳ μονοπώλιον ἢ ὁργανισμὸς ἐπηρέαζεται μόνον ὑπὸ τῶν παραγόντων ἐκείνων, ὡς εἴνε ἡ τιμῇ, ποιότητι, δυνατότητι διαθέσεως καὶ ὁροι πωλήσεως, οἵτινες συνήθως λαμβάνονται ὑπ' ὄψιν ὑπὸ ἰδιωτικῶν ἐμπορικῶν ἐπιχειρήσεων ἐνδιαφερομένων ἀποκλειστικῶς, ὅπως προμηθεύωνται τὰ τοιαῦτα εἶδη ὑπὸ τοὺς μᾶλλον εὐνοϊκοὺς ὁρους.

2. Συμφωνεῖται ὅτι ἡ Κυβέρνησις ἑκατέρας τῶν χωρῶν, ἐν τῇ κατακυρώσει συμβάσεων δημοσίων ἔργων καὶ γενικῶς κατὰ τὴν προμήθειαν ὑλικῶν, δὲν θέλει μεροληπτεῖ ἐναντι τῆς ἑτέρας χώρας ὑπὲρ οἰασδήποτε τρίτης χώρας.

## V

1. Τά ὑπό τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς ἢ ὑπό τοῦ Βασιλείου τῆς Ἑλλάδος ἤδη παρεχόμενα, ἢ τυχόν ἐφεξῆς παρασχεθῆσόμενα πλεονεκτήματα πρὸς ὁμόρους χώρας πρὸς τὸν σκοπὸν διευκολύνσεως τῆς μεθοριακῆς ἐπικοινωνίας ὡς ἐπίσης καὶ τὰ πλεονεκτήματα ἅτινα ἤθελον προκύψει ἐκ τελωνειακῆς ἐνώσεως, εἰς ἣν αἱ Ἑνωμένοι Πολιτεῖαι τῆς Ἀμερικῆς ἢ τὸ Βασίλειον τῆς Ἑλλάδος ἤθελον μετὰσχει, θὰ ἐξαιρῶνται τῆς ἐφαρμογῆς τῆς παρούσης Συμφωνίας.

2. Τὰ πλεονεκτήματα ἅτινα ἤδη παρέχονται ἢ ἤθελον παρασχεθῆ ἐφεξῆς ὑπὸ τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς, τῶν ἐδαφῶν ἢ τῶν κτήσεων των, τῶν Φιλιππίνων Νήσων ἢ τῆς Ζώνης τῆς Διῶρυγος τοῦ Παναμά, πρὸς ἀλλήλας ἢ πρὸς τὴν Δημοκρατίαν τῆς Κούβας, θὰ ἐξαιρῶνται τῆς ἐφαρμογῆς τῆς παρούσης Συμφωνίας.

3. Μὲ τὴν προϋπόθεσιν ὅτι ὑπὸ τὰς αὐτάς συνθήκας καὶ ὁρους, οὐδὲν αὐθαίρετον μεροληπτικὸν μέτρον θέλει ἐφαρμοσθῇ ὑπὸ τῆς μιᾶς χώρας εἰς βάρος τῆς ἐτέρας πρὸς ὄφελος οἰασδῆποτε τρίτης χώρας, οἱ ὅροι τῆς παρούσης συμφωνίας δὲν θὰ ἔχωσιν ἐφαρμογὴν ἐπὶ ἀπαγορεύσεων καὶ περιορισμῶν (1) ἐπιβαλλομένων διὰ λόγους ἡθικoὺς ἢ ἀνθρωπιστικoὺς (2) ἀποσκοποῦντων τὴν προστασίαν τῆς ζωῆς ἢ τῆς ὑγείας ἀνθρώπων, ζώων ἢ φυτῶν (3) ἀφορώντων εἰς κατασκευαζόμενα παρὰ φυλακισμένων, καὶ (4) ἀφορώντων τὴν ἐφαρμογὴν ἀστυνομικῶν ἢ φορολογικῶν νόμων.

4. Οὐδεμία διάταξις τῆς παρούσης Συμφωνίας δύναται νὰ θεωρηθῇ ὡς ἐμποδίζουσα τὴν ὑιοθέτησιν μέτρων ἀπαγορεύσεως ἢ περιορισμοῦ τῆς εἰσαγωγῆς ἢ ἐξαγωγῆς χρυσοῦ ἢ ἀργύρου, ἢ ὡς παρακωλύουσα τὴν λήψιν τοιούτων μέτρων οἷα ἐκάτερα Κυβερνήσεις ἤθελε τυχόν κρίνει σκόπιμα ἐν σχέσει πρὸς τὸν ἔλεγχον τῆς ἐξαγωγῆς, ἢ πωλήσεως πρὸς ἐξαγωγὴν, ὀπλων, πολεμοφοδίων ἢ ὀργάνων πολέμου καί, εἰς ἐξαιρετικὰς περιπτώσεις, παντὸς ἐτέρου στρατιωτικοῦ ὕλικου. Ὡσαύτως συμφωνεῖται ὅτι οὐδεμία διάταξις τῆς παρούσης Συμφωνίας θέλει θεωρηθῇ ὡς παρακωλύουσα τὴν ὑιοθέτησιν ἢ ἐφαρμογὴν μέτρων ἀφορώντων τὴν οὐδετερότητα.

## VI

Ἡ παροῦσα Συμφωνία θέλει ἀντικαταστήσῃ τὴν ἀνταλλαγὴν διακινώσεων μεταξὺ τῆς Κυβερνήσεως τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς καὶ τῆς Κυβερνήσεως τοῦ Βασιλείου τῆς Ἑλλάδος τῆς 9ης Δεκεμβρίου 1924 καὶ θέλει τεθῇ εἰς ἐφαρμογὴν τὴν 1ην Ἰανουαρίου 1939, θέλει δὲ παραμείνῃ ἐν ἰσχύϊ μέχρις οὗ ἀντικατασταθῇ ὑπὸ πληρεστέρας ἐμπορικῆς συμφωνίας ἢ ὁριστικῆς συμβάσεως ἐμπορίου καὶ ναυτιλίας, ἢ μέχρι καταγγελίας ταύτης ὑπὸ ἐκάτερας τῶν δύο χωρῶν κατόπιν ἐγγράφου προειδοποιήσεως τριάκοντα τοῦλάχιστον ἡμερῶν."

Γνωρίζων ὅμιν ὅτι ἡ Ἑλληνικὴ Κυβέρνησις εἶναι σύμφωνος πρὸς τὸ περιεχόμενον τῆς ἀνωτέρω ὑμετέρας ἐπιστολῆς, παρακαλῶ Κύριε Πρεσβευτά, νὰ δεχθῆτε τὴν διαβεβαίωσιν τῆς ἐξαιρέτου πρὸς ὑμᾶς ὑπολήψεώς μου.—

I ΜΕΤΑΞΕΣ

Πρὸς τὴν Αὐτοῦ Ἐξοχότητα τὸν Κύριον LINCOLN MAC VEAGH,

Ἐκτακτον Ἀπεσταλμένον καὶ Πληρεξούσιον

Ἐπουργόν τῶν Ἑνωμένων Πολιτειῶν τῆς Ἀμερικῆς.

ΕΝΤΑΤΘΑ

[Translation]

MINISTRY  
OF  
FOREIGN AFFAIRS

Agreement by Greece.

No. 27039/G/1/1

ATHENS, November 15, 1938.

MR. MINISTER:

I have the honor to acknowledge the receipt of your Note of November 15, 1938, reading as follows:

"I have the honor to make the following statement of my understanding of the agreement reached through recent conversations held at Athens by representatives of the Government of the United States of America and the Government of the Kingdom of Greece with reference to the treatment which the United States of America shall accord to the commerce of the Kingdom of Greece and which the Kingdom of Greece shall accord to the commerce of the United States of America.

"These conversations have disclosed a mutual understanding between the two Governments which is that the United States of America will accord to the commerce of the Kingdom of Greece and the Kingdom of Greece will accord to the commerce of the United States of America, its territories and possessions, non-discriminatory treatment.

"Accordingly the two Governments have agreed upon the following provisions:

I

"With respect to customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or the Kingdom of Greece to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the Kingdom of Greece or the United States of America, respectively.

II

"1. Neither the Government of the United States of America nor the Royal Hellenic Government shall regulate by import licenses or permits the importation into its territory of any article in which the other country has an interest, or by any method maintain limitation or control of the amount of importation of any such article, unless similar action is taken with respect to the importation of such article from all other countries.



"2. If imports of such an article from the other country are, directly or indirectly, restricted by such regulation, limitation, or control, the Government taking such action shall establish in advance, and inform the other Government of, the total amount permitted to be imported from all countries during any specified period, which shall not be shorter than three months, and of any increase in such amount during the specified period, and shall either—

(a) Impose no limitation on the part of such total amount which may be imported from the other country; or

(b) Establish in advance, and inform the other country concerning, the quota of such article which shall be permitted to be imported from the other country during the specified period. Such quota, as originally established or subsequently changed, shall be equivalent to the proportion of the total importation of such article which the other country supplied during past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. Where a quota for importation from the other country is established, no obstacle, administrative or otherwise, shall be placed in the way of importation sufficient to fill the quota allotted to the other country. If the total amount permitted entry from all countries is increased during any quota period, the quota established for the other country shall be increased proportionately.

"3. If the Government of either country establishes or maintains such regulation, limitation, or control of the importation of an article in which the other country has an interest, it shall—

(a) Make public the regulations regarding the issuance of licenses or permits, or regarding any other method of limitation or control, before such regulations are put into force;

(b) Administer any system of licenses or permits or any other method of limitation or control so as not to discriminate against importation from the other country, and in no manner, directly or indirectly, influence importers regarding the country from which they shall seek permission to import any such article;

(c) Ensure that there shall be no undue delay in the issuance of licenses or permits;

(d) Ensure that any duly qualified importer seeking to establish new, or to reestablish old, trade connections with the other country, or to maintain such trade connections, shall be given reasonable opportunity to import any such article; and upon request inform any such duly qualified importer whose application is rejected of the reasons for such rejection;

(e) At all times upon request advise the Government of the other country of the amount of any such article, the growth, produce, or manufacture of each exporting country which has been imported, or for which licenses or permits for importation have been granted.

"4. The provisions of this Article shall also be applicable with respect to any regulation, limitation, or control imposed by either Government upon the importation of such article at a particular rate of duty or charge.

## III

"In the event that the Government of the United States of America or the Royal Hellenic Government establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

(a) Impose no prohibition, restriction, condition, or delay on the transfer of payment for imported articles the growth, produce, or manufacture of the other country, or of payments necessary for and incidental to the importation of such articles;

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of all articles the growth, produce, or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce, or manufacture of any third country; and

(c) Accord unconditionally, with respect to all rules and formalities applying to exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation of the like articles the growth, produce, or manufacture of any third country.

## IV

"1. In the event that the Government of the United States of America or the Royal Hellenic Government establishes or maintains a monopoly for the importation, production, or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce, or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

"2. It is agreed that the Government of each country, in the awarding of contracts for public works and generally in the purchase of supplies, shall not discriminate against the other country in favor of any third country.

## V

"1. The advantages now accorded or which may hereafter be accorded by the United States of America or the Kingdom of Greece to adjacent countries in order to facilitate frontier traffic, and advan-

tages resulting from a customs union to which either the United States of America or the Kingdom of Greece may become a party, shall be excepted from the operation of this Agreement.

"2. The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement.

"3. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant life or health; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws.

"4. Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the importation or exportation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies, and it is agreed, further, that nothing in this Agreement shall be construed to prevent the adoption or enforcement of measures relating to neutrality.

## VI

"The present Agreement shall replace the exchange of notes between the Government of the United States and the Government of the Kingdom of Greece of December 9, 1924,<sup>1</sup> and shall become operative on the first day of January, 1939, and shall continue in force until superseded by a more comprehensive commercial agreement or by a definitive treaty of commerce and navigation, or until denounced by either country by advance written notice of not less than thirty days."

In informing you that the Greek Government is in agreement with the contents of the above Note, I beg you to accept, Mr. Minister, the assurances of my highest consideration.

J. METAXAS

To His Excellency Mr. LINCOLN MACVEAGH,  
*Envoy Extraordinary and Minister Plenipotentiary*  
*of the United States of America,*  
*Athens.*

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<sup>1</sup> Treaty Series No. 706.

## SUPPLEMENTARY NOTE

*The American Minister (MacVeagh) to the President of the Council  
of Ministers and Minister for Foreign Affairs of Greece (Metaxas)*

No. 400.      LEGATION OF THE UNITED STATES OF AMERICA  
*Athens, November 19, 1938.*

## EXCELLENCY:

With reference to our Exchange of Notes of November 15, 1938, concerning the treatment which the United States of America shall accord to the commerce of the Kingdom of Greece and which the Kingdom of Greece shall accord to the commerce of the United States of America, I have the honor to inform you that, without modifying its position on the principle of unconditional most-favored-nation treatment, the Government of the United States of America agrees not to invoke the provisions of Article I of this Agreement in respect of the special and temporary advantages now accorded by the Kingdom of Greece to imports from certain countries of coffee in beans, and of sugar.

Please accept, Excellency, the assurances of my highest consideration.

LINCOLN MACVEAGH

HIS EXCELLENCY JOHN METAXAS,  
*President of the Council of Ministers  
and Minister for Foreign Affairs,  
Athens.*

*Agreement between the United States of America and Estonia for the exchange of official publications. Effected by exchange of notes, signed December 6, 1938.*

December 6, 1938  
[E. A. S. No. 138]

*The Estonian Minister for Foreign Affairs (Selter) to the American  
Chargé d'Affaires ad interim (Leonard)*

RÉPUBLIQUE ESTONIENNE  
MINISTRE  
DES  
AFFAIRES ÉTRANGÈRES

TALLINN, 6th December, 1938.

MONSIEUR LE CHARGÉ D'AFFAIRES,

With reference to your memorandum of September 20, 1938 and previous correspondence and conversations, I have agreed upon the following:

Agreement with Estonia for the exchange of official publications.

There shall be a complete exchange of official publications between the Government of Estonia and the Government of the United States of America, which shall be conducted in accordance with the following provisions:

1. The official exchange office for the transmission of publications of the United States of America is the Smithsonian Institution. The official exchange office on the part of Estonia is the Riigi Raamatukogu (State Library).

2. The exchange sendings shall be received on behalf of the United States by the library of Congress; on behalf of Estonia by the Riigi Raamatukogu (State Library).

3. The Government of the United States of America shall furnish regularly in one copy a full set of the official publications of its several departments, bureaux, offices, and institutions. A list of such departments and instrumentalities is attached (List No. 1).<sup>1</sup> This list shall be extended to include, without the necessity of subsequent negotiations, any new offices that the Government may create in the future.

4. The Government of Estonia shall furnish regularly in one copy a full set of the official publications of its several departments, bureaux, offices, and institutions. A list of such departments and instrumentalities is attached (List No. 2).<sup>2</sup> This list shall be extended to include, without the necessity of subsequent negotiations, any new offices that the Government may create in the future.

5. With respect to departments and instrumentalities which at this time do not issue publications and which are not mentioned in the attached lists, it is understood that publications issued in the future by those offices shall be furnished in one copy.

<sup>1</sup> List as furnished by the Government of the United States. See p. 2061.

<sup>2</sup> See p. 2068.

6. Neither Government shall be obliged by this agreement to furnish confidential publications, blank forms, or circular letters not of a public nature.

7. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

8. Both parties express their willingness as far as possible to expedite shipments.

9. This agreement shall not be understood to modify the already existing exchange agreements between the various government departments and instrumentalities of the two countries.

Upon receipt of your Note, identical in terms to the present communication, the Estonian Government will consider that the foregoing agreement comes into force on the day following its ratification by the President of the Republic of Estonia.

I avail myself of this opportunity to assure you, Monsieur le Chargé d'Affaires, of my high consideration.

K. SELTER

Monsieur WALTER A. LEONARD,  
*Chargé d'Affaires a. i.,  
of the United States of America,  
Tallinn.*

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*The American Chargé d'Affaires ad interim (Leonard) to the Estonian  
Minister for Foreign Affairs (Selter)*

LEGATION OF THE UNITED STATES OF AMERICA  
*Tallinn, December 6, 1938.*

EXCELLENCY:

With reference to my memorandum of September 20, 1938, and previous correspondence and conversations, and to Your Excellency's Note of today's date (December 6, 1938), I have the honor to express our agreement for the exchange of official publications between the Governments of the United States of America and Estonia, as follows:

There shall be a complete exchange of official publications between the Government of Estonia and the Government of the United States of America, which shall be conducted in accordance with the following provisions:

1. The official exchange office for the transmission of publications of the United States of America is the Smithsonian Institution. The official exchange office on the part of Estonia is the Riigi Raamatukogu (State Library).

2. The exchange sendings shall be received on behalf of the United States by the library of Congress; on behalf of Estonia by the Riigi Raamatukogu (State Library).

3. The Government of the United States of America shall furnish regularly in one copy a full set of the official publications of its several departments, bureaux, offices and institutions. A list of such depart-

ments and instrumentalities is attached (List No. 1). This list shall be extended to include, without the necessity of subsequent negotiations, any new offices that the Government may create in the future.

4. The Government of Estonia shall furnish regularly in one copy a full set of the official publications of its several departments, bureaux, offices and institutions. A list of such departments and instrumentalities is attached (List No. 2).<sup>1</sup> This list shall be extended to include, without the necessity of subsequent negotiations, any new offices that the Government may create in the future.

5. With respect to the departments and instrumentalities which at this time do not issue publications and which are not mentioned in the attached lists, it is understood that publications issued in the future by those offices shall be furnished in one copy.

6. Neither Government shall be obliged by this agreement to furnish confidential publications, blank forms, or circular letters not of a public nature.

7. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

8. Both parties express their willingness as far as possible to expedite shipments.

9. This agreement shall not be understood to modify the already existing exchange agreements between the various government departments and instrumentalities of the two countries.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest and most distinguished consideration.

WALTER A. LEONARD  
*Charge d'Affaires a. i.*

His Excellency KARL SELTER,  
*Minister for Foreign Affairs,*  
*Tallinn.*

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#### LIST NO. 1

LIST OF THE VARIOUS DEPARTMENTS AND INSTRUMENTALITIES OF THE UNITED STATES GOVERNMENT, THE PUBLICATIONS OF WHICH ARE TO BE FURNISHED, TOGETHER WITH THE TITLES OF THE PRINCIPAL SERIAL PUBLICATIONS TO BE INCLUDED IN THE EXCHANGE.

##### AGRICULTURAL DEPARTMENT

Crops and markets, monthly  
Department leaflet  
Farmers' bulletin, irregular  
Journal of agricultural research, semi-monthly  
Miscellaneous publications  
Technical bulletin, irregular  
Yearbook of agriculture, bound

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<sup>1</sup> List as furnished by the Government of Estonia. See p. 2068.

*Agricultural economics bureau*

Agricultural situation, monthly

Statistical bulletin

Report, annual

*Agricultural engineering bureau*

Report, annual

*Animal industry bureau*

Service and regulatory announcements

*Biological survey bureau*

North American fauna

Report, annual

*Chemistry and soils bureau*

Soil survey reports

Report, annual

*Dairy industry bureau*

Report, annual

*Entomology and plant quarantine bureau*

Report, annual

*Experiment stations office*

Experiment station record, monthly

Report on agricultural experiment stations, annual

*Extension service*

Extension service review, monthly

*Food and drug administration**Forest service*

Report, annual

*Home economics bureau*

Report, annual

*Information office*

Report, annual

*Plant industry bureau**Public roads bureau*

Public roads, journal of highway research, monthly

Report, annual

*Soil conservation service*

Soil conservation, monthly

Report, annual

*Weather bureau*

Climatological data for U. S., monthly

## CENTRAL STATISTICAL BOARD

Report, annual

## CIVIL AERONAUTICS AUTHORITY

## CIVIL SERVICE COMMISSION

Official register of the U. S., annual, bound

Report, annual

## COMMERCE DEPARTMENT

Annual report of the Secretary of commerce

*Census bureau*

Decennial census

Biennial census of manufactures

Birth, stillbirth and infant mortality statistics, annual

Financial statistics of cities over 100,000, annual

Financial statistics of state and local governments, annual

Mortality statistics, annual

County and city jails, prisoners, annual

Prisoners in state and federal prisons, annual



*Coast and geodetic survey*

Special publications

*Fisheries bureau*

Bulletin

Fishery circular

Investigational report

*Foreign and domestic commerce bureau*

Commerce reports, weekly

Comparative law series, monthly

Foreign commerce and navigation, bound, annual

Monthly summary of foreign commerce

Statistical abstract, annual

Survey of current business

Trade information bulletin

Trade promotion series

*Lighthouses bureau**Maritime inspection and navigation bureau*

Merchant marine statistics, annual

Merchant vessels of the United States, annual

*National bureau of standards*

Circular

Journal of research, monthly

Technical news bulletin, monthly

*Patent office*

Official gazette, weekly

Index of trademarks, annual

Index of patents, annual

## CONGRESS

Congressional record, bound

Congressional directory, bound

Statutes at large, bound

Code of laws and supplements, bound

*House of representatives*

Journal, bound

Documents, bound

Reports, bound

*Senate*

Journal, bound

Documents, bound

Reports, bound

## COURT OF CLAIMS

Report of cases decided

## COURT OF CUSTOMS AND PATENT APPEALS

Reports (Decisions), bound

## DISTRICT OF COLUMBIA

Reports of the various departments of the local government.

## EMPLOYEES' COMPENSATION COMMISSION

Report, annual

## FARM CREDIT ADMINISTRATION

Report, annual

News for farmer cooperatives, monthly

## FEDERAL COMMUNICATIONS COMMISSION

Report, annual

Decisions

**FEDERAL DEPOSIT INSURANCE CORPORATION****FEDERAL HOME LOAN BANK BOARD**

Federal home loan bank review, monthly

**FEDERAL HOUSING ADMINISTRATION**

Report, annual

Insured mortgage portfolio, monthly

**FEDERAL POWER COMMISSION**

Report, annual

**FEDERAL RESERVE SYSTEM**

Federal reserve bulletin, monthly

Report, annual

**FEDERAL TRADE COMMISSION**

Report, annual

Decisions, bound

**GENERAL ACCOUNTING OFFICE**

Decisions of the comptroller-general, bound

**GOVERNMENT PRINTING OFFICE**

Report, annual

*Documents office*

Documents catalog, biennial

Monthly catalog

**INTERIOR DEPARTMENT**

Report, annual (relating chiefly to public lands)

*Education office*

Bulletin

Pamphlet series

School life, monthly except July and August

Vocational education bulletin

*General land office**Geological survey*

Bulletin

Professional paper

Water supply papers

*Housing authority**Mines bureau*

Bulletin

Minerals yearbook

Technical paper

*National bituminous coal commission**National Park service**Reclamation bureau*

Reclamation era, monthly

**INTERSTATE COMMERCE COMMISSION**

Report, annual

Annual report on statistics of railways

Interstate commerce commission reports (decisions), bound

**JUSTICE DEPARTMENT**

Annual report of the Attorney General

Opinions of the Attorney General

*Prisons bureau*

Federal offenders, annual

## LABOR DEPARTMENT

Report, annual  
*Children's bureau*  
Bulletin  
The Child, monthly news summary  
*Employment services*

*Immigration and naturalization service*

*Labor standards division*  
Bulletin  
Industrial health and safety series  
*Labor statistics bureau*  
Bulletin  
Monthly labor review  
*Women's bureau*  
Bulletin

## LIBRARY OF CONGRESS

Report, annual, bound  
*Copyright office*  
Catalog of copyright entries  
*Documents division*  
Monthly checklist of state publications  
*Legislative reference service*  
State law index, biennial, bound

## MARITIME COMMISSION

Maritime commission reports  
Report on water-borne foreign commerce, annual

## NATIONAL ACADEMY OF SCIENCES

Report, annual

## NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Report, annual  
Bibliography of aeronautics, annual  
Technical reports

## NATIONAL ARCHIVES

Report, annual  
Federal register, bound

## NATIONAL LABOR RELATIONS BOARD

Report, annual  
Decisions

## NATIONAL MEDIATION BOARD

Report, annual

## NATIONAL RAILROAD ADJUSTMENT BOARD

Awards

## NATIONAL RESOURCES COMMITTEE

Reports

## NAVY DEPARTMENT

Annual report of the Secretary of the Navy  
*Engineering bureau*  
*Hydrographic office*  
Publications  
*Marine corps*  
*Medicine and surgery bureau*  
Naval medical bulletin, quarterly  
Annual report of the surgeon general

*Naval war college*

International law situations, annual, bound

*Nautical almanac office*

American ephemeris and nautical almanac, annual

American nautical almanac, annual

*Navigation bureau*

Navy directory, quarterly

Register, annual

*Supplies and accounts bureau*

Naval expenditures, annual

## POST OFFICE DEPARTMENT

Postal guide, annual with monthly supplements

Annual report of the Postmaster general

*Postal savings system*

Annual report

## PRESIDENT OF THE UNITED STATES

Addresses, messages

## RAILROAD RETIREMENT BOARD

Report, annual

## RECONSTRUCTION FINANCE CORPORATION

Reports

## RURAL ELECTRIFICATION ADMINISTRATION

Report, annual

Rural electrification news, monthly

## SECURITIES AND EXCHANGE COMMISSION

Decisions

Report, annual

## SMITHSONIAN INSTITUTION

Report, annual

*Ethnology bureau*

Report, annual

Bulletin

*National museum*

Report, annual

## SOCIAL SECURITY BOARD

Social security bulletin, monthly

Report, annual

## STATE DEPARTMENT

Arbitration series

Conference series

Executive agreement series

Foreign relations, annual, bound

Latin American series

Press releases, weekly

Territorial papers of the United States, bound

Treaty series

Treaty information bulletin, monthly

## SUPREME COURT

Official reports, bound

## TARIFF COMMISSION

Report, annual

Miscellaneous series

Reports

## TAX APPEALS BOARD

Board of tax appeals reports

**TREASURY DEPARTMENT**

Annual report on the state of finances  
Combined statement of receipts, expenditures, balances, etc.  
Treasury decisions, bound  
*Budget bureau*  
Budget, annual, bound  
*Bookkeeping and warrants division*  
Digest of appropriations, annual  
*Coast guard,*  
Register, annual  
*Comptroller of the currency*  
Report, annual

**INTERNAL REVENUE BUREAU**

Internal revenue bulletin, weekly  
Annual report of the commissioner of internal revenue  
Statistics of income  
*Mint bureau*  
Report, annual  
*Narcotics bureau*

*Procurement division**Public health service*

National institute of health bulletin  
Public health bulletin, irregular  
Public health reports, weekly  
Report, annual  
Venereal disease information, monthly

**VETERANS' ADMINISTRATION**

Report, annual  
Medical bulletin, quarterly

**WAR DEPARTMENT**

Report of the Secretary of war, annual  
*Adjutant general's department*  
Official army register, annual  
Army list and directory, semi-annual  
*Army medical library*  
Index-catalog  
*Engineer department*  
Report of the chief of engineers (incl. commercial statistics of water-borne commerce), annual  
Rivers and harbors board. Port series  
*General staff corps*  
*Insular affairs bureau*  
Report, annual  
*Medical department*  
Report of the surgeon general, annual  
*Military intelligence division*  
*National guard bureau*  
*Ordnance department*  
*Quartermaster general*  
*Signal office*

**WORKS PROGRESS ADMINISTRATION**

## LIST NO. 2.

LIST OF ESTONIAN OFFICIAL PUBLICATIONS WHICH ARE TO BE FURNISHED TO THE LIBRARY OF CONGRESS AT WASHINGTON IN ACCORDANCE WITH THE AGREEMENT ON EXCHANGE OF PUBLICATIONS BETWEEN THE GOVERNMENT OF ESTONIA AND THE UNITED STATES; AND LIST OF THE VARIOUS DEPARTMENTS AND INSTITUTIONS OF THE REPUBLIC OF ESTONIA WHICH MAY ISSUE OFFICIAL PUBLICATIONS IN THE FUTURE (MARKED WITH AN ASTERISK).

<i>Name of Government Department or Institution</i>	<i>Estonian Name and English Equivalent</i>
Rahvuskogu (National Constituent Assembly).	Protokollid (Minutes of the National Constituent Assembly).
Riigivolikogu (Chamber of Deputies).	Protokollid (Minutes of the Chamber of Deputies).
Riiginõukogu (National Council).	Protokollid (Minutes of the National Council).
Riigikantselei (State Chancery).	Valitsusasutiste tegevus (Annual Reports on the Activity of Government Institutions).
Riigiraamatukogu (State Library).	Raamatute nimestik (State Library book-catalogues). Riigiraamatukogu Teataja (Bulletin of the State Library).
*Riigiarhiiv ja Arhiivnõukogu (State Archives and Council of the State Archives).	
Statistika Keesküroo (State Central Bureau of Statistics).	Eesti Statistika (kuukiri) (Monthly Bulletin of the State Central Bureau of Statistics). Aastaraamat (Annual Foreign Trade).
Konjunktuurinstituut (Estonian Institute of Economic Research).	Konjunktuur (Monthly Review).
*Riikliku Propaganda Talitus (State Propaganda Office).	Majandusteated (Economic News).
Riigikontroll (Office of the State Comptroller).	Tegevuse ülevaade (General Annual Report).
HARIDUSMINISTEERIUM (Ministry of Education).	Haridusministeeriumi Teataja (Bulletin of the Ministry).
Teaduse ja Kunsti Osakond (Department of Art and Sciences).	
Kultuurkapitali valitsus (Administration of the Cultural Fund).	Aruanded (Reports).
*Muinsusnõukogu (Council of the Preservation of Antiquities).	
Riiklik Keekarhiiv (State Central Archives).	Toimetused (Records).
Koollosakond (Department of Schools).	"Eesti Kool" (The Estonian School).
*Kutseseaduse osakond (Department of Professional Education).	
*Noorsoo- ja vabaharidusosakond (Department of Youth and Adult Education).	
KOHTUMINISTEERIUM (Ministry of Justice).	Seaduste Kogu (Code of Laws).
Kodifikatsiooniosakond (Department of Codification).	Riigi Teataja (Official Gazette).
	Eesti Vabariigi Lepingud Välisriikidega (Estonian Treaty Series).

<i>Name of Government Department or Institution</i>	<i>Estonian Name and English Equivalent</i>
Vangimajade talitus (Administration of State Prisons):	Karistusteadet (List of Criminal Offenders).
Kohtud (Courts of Justice):	Riigikohtu otsused (Decisions of the Supreme Court).
MAJANDUSMINISTEERIUM (Ministry of Economic Affairs):	
Rahandusosakond (Treasury Department):	Riigieelarve (The State Budget).
*Kaubandusosakond. Proovikoda. (Department of Commerce. Chamber of Weights and Measures).	
*Tööstusosakond. Patendiamet. (Department of Industries. State Patent Office).	
*Maksudetalitus (Department of Taxes).	
*Eesti Rahvulik Jõukomitee (National Power Committee of Estonia).	
*Loodusvarade Instituut (Institute for Investigation of Natural Resources).	
Eesti Pank (The Bank of Estonia):	Aruanded (Weekly Balance Sheets). Aastaraamat (Year Book).
Eesti Maapank (The Land Bank of Estonia):	Aruanded (Annual Reports).
Pikalaenupank (National Mortgage Bank of Estonia):	Aruanded (Annual Reports).
*Riigitrükikoda (State Printing Office).	
PÕLLUTÖÖMINISTEERIUM (Ministry of Agriculture):	
Katastri- ja Maakorraldusosakond (Department of Conveyances and Agrarian Organization):	Sisevete uurimise aastaraamat (Year Book on investigation of inland waterways).
*Põllumajandusosakond (Department of Agricultural Economics):	
*Piimasaaduste väljaveo kontrolljaam (Station for the Control of the Exports of Dairy Products).	
*Taimekaitse- ja seemnekontrollamet (Division of Plant Protection and Seed Control).	
*Riigi Põllutöökatsesjaam (Agricultural Experimental Station).	
*Veterinaartalitus (Veterinary Department).	
*Riigimetsade Talitus (State Forestry Department).	
SOTSIAALMINISTEERIUM (Ministry of Labor and Social Welfare):	
Tervishoiu- ja hoolekandetalitus (Department of Health and Social Welfare):	Tervishoiupersonaali, tervishoiuasutiste ja apteekide nimestik (List of Medical Practitioners, Hospitals and Public Dispensaries in Estonia).
Farmaatsia osakond (Department of Pharmacy).	

<i>Name of Government Department or Institution</i>	<i>Estonian Name and English Equivalent</i>
Loodushoiu- ja Turismi-Instituut (National Trust of Estonia and Travel Association).	Looduskaitse Teated (Nature Protection News) Turismi Teated (Tourist News).
Töökaitse- ja Sotsiaalkindlustusosakond (Department of Labour Protection and Social Insurance):	Töökaitse Teated (Labour Protection Review).
SISEMINISTEERIUM (Ministry of the Interior):	
*Omavalitsuste Talitus (Department of Local Governments).	
*Politseitalitus (Police Department)	
*Piirivalvetalitus (Frontier Patrol Department).	
SÕJAMINISTEERIUM (Ministry of War):	
*Sõjavägede staap (Army Staff).	
*Kaitseliit (Civil Guards League).	
TEEDEMINISTEERIUM (Ministry of Communications):	
*Ehitusosakond (Department of Constructions).	
*Maantee Talitus (Administration of Highways).	
Posti-, Telegraafi-Telefoni Talitus (Postal, Telegraph and Telephone Administration):	Posti-, telefoni-, telegrafi ja raadioasutiste nimestik (List of Post, Telegraph and Telephone Offices and Radio Stations). Postiametkonna tegevus (Reports on Activities of Postal, Telegraph and Telephone offices and Radio stations).
Raudteede Talitus (Administration of State Railways):	Riigi raudteede tegevuse ülevaade (Report on Activities of State Railways).
Veeteede Talitus (Administration of Waterways):	Eesti laevade register (Estonian Ships Register). Eesti tuletornide ja meremärkide nimestik (List of Estonian Buoys and Light-houses).
*Õhusõidu osakond (Department of Air Navigation).	
*Riigiringhääling (State Broadcasting).	
VÄLISMINISTEERIUM (Ministry for Foreign Affairs):	Corps Diplomatique à Tallinn. Eesti Vabariigi esindajad välismaal (Estonian Representatives Abroad).
TARTU ULIKOOL (The Tartu University):	Loengute kava (Schedule of Lectures). Toimetused (Academical Publications).
TALLINNA TEHNIKAULIKOOL (The Tallinn Technical University):	Loengute kava (Schedule of Lectures). Toimetused (Academical Publications).
*RIIKLIK KATSEKODA (Government Bureau for Testing Materials).	



*Agreement between the United States of America and Finland for the exchange of official publications. Effected by exchange of notes, signed December 28 and 30, 1938; effective January 1, 1939.*

December 28 and  
30, 1938

[E. A. S. No. 139]

*The Acting Secretary of States (Welles) to the Minister of Finland  
(Järnefelt)*

DEPARTMENT OF STATE  
Washington, December 28, 1938.

SIR:

I have the honor, with reference to recent correspondence in regard to the broadening of the exchange of official publications between the United States of America and Finland, to express my understanding of the provisions which are to govern the exchange beginning with January 1, 1939, as follows:

Agreement with  
Finland for the ex-  
change of official pub-  
lications.

1. One copy of each official publication of the several branches of the Government of the United States of America shall be furnished regularly to the Library of Parliament at Helsinki through the medium of the International Exchange Service of the Smithsonian Institution. A list of branches of the Government of the United States of America the publications of which are to be furnished under the present agreement is attached (List No. 1). This list shall be extended, without the necessity of subsequent negotiations, to include any new offices which the Government of the United States of America may create in the future.

2. One copy of each official publication of the several branches of the Government of Finland shall be furnished regularly to the Government of the United States of America. A list describing the publications of the Government of Finland which are to be furnished under the present agreement is attached (List No. 2).

3. This agreement shall not be understood to modify any agreements for the exchange of publications that may already exist between the various departments and other instrumentalities of the Government of the United States of America and the departments and other instrumentalities of the Government of Finland.

Upon the receipt of a note from you confirming the above understanding, my Government will consider the agreement effective as of January 1, 1939.

Accept, Sir, the renewed assurances of my highest consideration.

For the Acting Secretary of State:

G. S. MESSERSMITH

The Honorable

EERO JÄRNEFELT,

*Minister of Finland.*

## LIST NO. 1

**1. Congress**

Congressional records, bound ; the Senate and House journals, bound ; United States code and supplements, bound ; all other publications printed by order of either House of the United States Congress.

**2. Executive departments (including without further specification the various bureaus and divisions thereof)**

Department of State  
Department of the Treasury  
Department of War  
Department of Justice  
Post Office Department  
Department of the Navy  
Department of the Interior  
Department of Agriculture  
Department of Commerce  
Department of Labor

**3. Independent offices and establishments**

Civil Service Commission  
General Accounting Office  
Interstate Commerce Commission  
Board of Governors of the Federal Reserve System  
Federal Trade Commission  
Tariff Commission  
Board of Tax Appeals  
Federal Power Commission  
Federal Housing Administration  
Veterans' Administration  
National Advisory Committee for Aeronautics  
Commission of Fine Arts  
Reconstruction Finance Corporation  
Federal Home Loan Bank Board  
Tennessee Valley Authority  
Rural Electrification Administration  
Farm Credit Administration  
Central Statistical Board  
Civilian Conservation Corps  
Federal Deposit Insurance Corporation  
Securities and Exchange Commission  
National Archives  
National Resources Committee  
National Labor Relations Board  
Railroad Retirement Board  
Federal Communications Commission  
Social Security Board  
Maritime Commission  
National Mediation Board  
Civil Aeronautics Authority

**4. Courts**

Supreme Court of the United States  
Court of Customs and Patent Appeals  
Court of Claims

## LIST NO. 2

All publications issued by the Parliament of Finland

"Suomen Asetuskokoelma" (Laws, Decrees, etc. in Finnish. One separate series for each calendar year)

"Finlands Författningssamling" (same in Swedish)

"Suomen Asetuskokoelman Sopimussarja" (Treaty Series in Finnish. One separate series for each calendar year)

"Finlands Författningssamlings Fördragsserie" (same in Swedish)

All publications issued, in Finnish and Swedish, by the "Lainvalmistelukunta" (Board for the revision of laws)

Reports of the various Government Committees, in Finnish and also in Swedish when reports are published even in that language

All official statistics (irrespective of by what authorities they are published)

Reports of the Ministries, the Provincial Governments, the Central Boards, and other official institutions

Publications issued by the Supreme Court

Publications issued by the Supreme Court of Administration

"Pieni Lakisarja" (a series of important laws published for practical purposes)

The official publicity literature

Publications issued by the Government Boards of Experiment and Investigation and other official scientific Boards, and publications on the agricultural experimental work. These are published in Finnish and Swedish and sometimes, in addition thereto, in a foreign language.

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*The Minister of Finland (Järnefelt) to the Acting Secretary of State  
(Welles)*

LEGATION OF FINLAND

WASHINGTON, D. C.

No. 3602

*December 30, 1938*

EXCELLENCY:

I have the honor to refer to Your Excellency's note of December 28, 1938, in regard to the broadening of the exchange of official publications between Finland and the United States of America, and to inform that my Government fully agrees to and accepts the understanding quoted in said note.

Consequently, my Government will consider the agreement effective as of January 1, 1939.

Accept, Excellency, the renewed assurances of my highest consideration.

EERO JÄRNEFELT

His Excellency Mr. SUMNER WELLES

*Acting Secretary of State*

*Washington, D. C.*

November 23, 1938  
[E. A. S. No. 140]

*Agreement between the United States of America and Colombia respecting a naval mission. Signed at Washington November 23, 1938.*

CONTRATO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE NORTE AMERICA Y LA REPUBLICA DE COLOMBIA

AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COLOMBIA

Agreement with Colombia respecting a naval mission.

De conformidad con la solicitud de su Excelencia el Embajador Extraordinario y Plenipotenciario de la República de Colombia en Washington al Secretario de Estado, el Presidente de los Estados Unidos de Norte America, en virtud de la autorización conferida por la ley del Congreso de 19 de mayo de 1926 titulada "Ley que autoriza al Presidente designar oficiales y personal activo del ejercito, marina militar y cuerpo de infantería de marina para colaborar con los gobiernos de América Latina en asuntos militares y navales," la cual, modificada por la ley del 14 de mayo de 1932 para incluir el "Commonwealth" de las Islas Filipinas, autoriza el nombramiento de oficiales y personal activo para que se constituya una misión naval a la República de Colombia de acuerdo con las condiciones estipuladas abajo:

In conformity with the request made by the Ambassador of the Republic of Colombia in Washington to the Secretary of State, the President of the United States of America, by virtue of the authority conferred by the Act of Congress of May 19, 1926, entitled "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy and Marine Corps to assist the Governments of the Latin-American Republics in military and naval matters," as amended by the Act of May 14, 1935, to include the Philippine Islands, has authorized the appointment of officers to constitute a naval mission to the Republic of Colombia under the conditions specified below:

44 Stat. 565.  
10 U. S. C. § 540.

49 Stat. 218.  
10 U. S. C., Supp.  
IV, § 540.

## CAPITULO I

### *Fines y Duración*

Purpose and duration.

Art. 1.—El fin de la Misión Naval aquí acordada es el de cooperar con el carácter de asesora del Director General de la Marina y los oficiales de la marina militar de Colombia, dondequiera que sea destinado por el Ministerio de

## TITLE I

### *Purpose and Duration*

Art. 1.—The purpose of this Naval Mission is to cooperate in an advisory capacity with the Director General and the officers of the Colombian Navy, wherever desired in Colombia by the Ministry of War, with a view to en-

Guerra, en Colombia, para lograr el mejoramiento de la armada colombiana.

Art. 2.—Esta Misión prestará sus servicios por un período de cuatro años desde la fecha en que los representantes autorizados de los Estados Unidos de Norte América y la República de Colombia firmen este contrato, a menos que antes se dé por terminado o prorrogado en la manera determinada abajo. Cualquier miembro de la Misión puede ser llamado por el gobierno de los Estados Unidos de Norte América después de dos años de servicio siempre que sea reemplazado inmediatamente.

Art. 3.—Si el Gobierno de la República de Colombia desea que el término de la Misión se prorrogue en todo o en parte, lo propondrá así seis meses antes de la terminación de este contrato.

Art. 4.—Este contrato puede ser rescindido antes del vencimiento del período de cuatro años establecido en el Artículo 2, o antes del vencimiento de la prórroga autorizada en el Artículo 3, de la manera siguiente:

a) Por cualquiera de los dos gobiernos contratantes, previa notificación por escrito con tres meses de anticipación al otro gobierno;

b) Por el retiro de todos los miembros de la Misión por el Gobierno de los Estados Unidos de Norte América en el interés público de este gobierno;

c) En caso de guerra entre la República de Colombia y cualquiera otra nación, o en caso de guerra civil en la República de Colombia;

Art. 2.—This Mission shall continue for a period of four years from the date of the signing of this agreement by the accredited representatives of the Governments of the United States of America and the Republic of Colombia, unless sooner terminated or extended as hereinafter provided. Any member may be detached by the United States Government after the expiration of two years' service, in which case another member will be furnished in replacement.

Art. 3.—If the Government of the Republic of Colombia should desire that the services of the Mission be extended in whole or in part beyond the period stipulated, a proposal to that effect shall be made six months before the expiration of this agreement.

Art. 4.—This contract may be terminated prior to the expiration of the period of four years prescribed in Article 2, or prior to the expiration of the extension authorized in Article 3, in the following manner:

a) By either Government, subject to three months notice in writing to the other Government;

b) By the recall of the entire personnel of the Mission by the United States in the public interests of the United States;

c) In the case of war between the Republic of Colombia and any other nation, or in the case of civil war in the Republic of Colombia;

d) En caso de guerra entre los Estados Unidos de Norte América y cualquiera otra nación.

d) In case of war between the United States and any other country.

## CAPITULO II

## TITLE II

*Composición y Personal**Composition and Personnel*

Composition and personnel.

Art. 1.—Esta Misión constará de un Jefe de Misión del grado de capitán de navío o de capitán de fragata en servicio activo de la marina militar de los Estados Unidos de Norte América y de los oficiales y personal activo adicional de dicha marina que pida el Ministerio de Guerra de Colombia por medio de su representante autorizado en Washington y que sea convenido por el Departamento de Marina de los Estados Unidos de Norte América.

Art. 1.—This Mission will consist of a Chief of Mission of the rank of Captain or Commander on active service in the United States Navy and such other United States naval personnel as may subsequently be requested by the Ministry of War of Colombia through its authorized representative in Washington and agreed upon by the United States Navy Department.

Art. 2.—El Jefe de la Misión saldrá para la República de Colombia cuanto antes, después de firmado este contrato y se pondrá a la órden del Ministro de Guerra de la República de Colombia para estudiar las necesidades de Colombia respecto a una misión naval y someterá su estudio y recomendaciones al Secretario de la Marina de los Estados Unidos de Norte América y al Ministro de Guerra de Colombia dentro de los noventa (90) días siguientes a su llegada a la República de Colombia.

Art. 2.—The Chief of Mission shall proceed to the Republic of Colombia as soon as practicable, following the signing of this agreement, and report to the Minister of War for the purpose of investigating the needs of Colombia with respect to a naval mission. He will submit his recommendations to the Secretary of the Navy of the United States of America and to the Minister of War of the Republic of Colombia within ninety days after his arrival in the Republic of Colombia.

## CAPITULO III

## TITLE III

*Obligaciones, Antigüedad y Precedencia**Duties, Rank and Precedence*

Duties, rank and precedence.

Art. 1.—Los deberes y obligaciones del Jefe y de los demás miembros de la Misión serán determinados por acuerdo entre el Departamento de Marina de los Estados Unidos de Norte América y el Ministerio de Guerra de la República de Colombia después

Art. 1.—The duties of the Chief of Mission and of the personnel of the Mission will be determined by agreement between the United States Navy Department and the Ministry of War of the Republic of Colombia, following the receipt of the recommendations submitted

de recibidas las recomendaciones by the Chief of Mission as specified de que trata el Artículo 2, Capí in Title II, Article 2.  
tulo 2, de este acuerdo.

Art. 2.—El personal de la Misión responderá de sus actos únicamente al Ministro de Guerra de la República de Colombia por conducto del Jefe de Misión.

Art. 2.—The members of the Mission will be responsible solely to the Minister of War of the Republic of Colombia through the Chief of Mission.

Art. 3.—Cada miembro de la Misión guardará el grado que tiene en la marina militar de los Estados Unidos de Norte América y llevará el uniforme de su propio grado en dicha marina.

Art. 3.—Each member of the Mission shall retain the rank he holds in the United States Navy and shall wear the uniform of his rank in the United States Navy.

Art. 4.—Cada persona de la Misión gozará de todas las ventajas y prerrogativas que los reglamentos de la marina militar de Colombia conceden a sus oficiales y demás personal activo del mismo grado.

Art. 4.—Each member of the Mission shall be entitled to all the benefits which the Colombian Navy Regulations provide for Colombian naval officers of corresponding rank.

Art. 5.—El personal de la Misión estará sometido a los reglamentos disciplinarios de la marina militar de los Estados Unidos de Norte América.

Art. 5.—The personnel of the Mission shall be governed by the disciplinary regulations of the United States Navy.

#### CAPITULO IV

#### TITLE IV

##### *Remuneración y Ventajas*

##### *Compensation and Perquisites*

Art. 1.—Cada miembro de la Misión recibirá de la República de Colombia un salario anual neto igual al salario con bonificaciones de un oficial de la marina militar de los Estados Unidos de Norte América, en servicio activo, del mismo grado y antigüedad, exclusión hecha de cualquier aumento autorizado por servicio de vuelo. Durante la vigencia de este contrato, dicho salario se pagará en doce mensualidades iguales en moneda nacional de la República de Colombia, computándose al cambio oficial más alto establecido por la Junta para el Control del Cambio o el Banco Nacional de Colombia, para el último día de cada mes en que quede pagadero. En el caso de

Art. 1.—Each member of the Mission shall receive from the Government of the Republic of Colombia an annual net salary equal to the pay and allowances of a United States naval officer, on active service, of the same rank and length of service but exclusive of any increase authorized for duty involving flying. The said salary shall be paid in twelve equal monthly instalments in Colombian national currency computed at the highest official rate of exchange established by the Exchange Control Board or by the Bank of Colombia on the last day of each month in which due. Should any member of the Mission while so serving become qualified for promotion, he shall receive

Compensation and perquisites.

que uno de los miembros de la Misión haya reunido los requisitos para un ascenso al grado superior durante la vigencia de este contrato, recibirá de la República de Colombia el salario de un oficial de la marina militar de los Estados de Norte América del grado a que está por ascenderse; el consiguiente aumento de salario será pagadero desde la fecha en que quede vacante el puesto que ocupará en el escalafón y bajo las mismas condiciones estipuladas atrás. Dicho salario no estará gravado por impuesto alguno del Gobierno de la República de Colombia o impuesto de alguna subdivisión política de dicha República que este actualmente en vigor o que se establezca en lo futuro. Si, por acaso, actualmente existen o llegan a existir durante la vigencia de este contrato, cuya exención el gobierno no pudiese conceder, tales impuestos correrán por cuenta del Ministerio de Guerra de la República de Colombia para que se cumpla con la estipulación hecha atrás de que sean netos los salarios acordados.

Art. 2.—El goce de la remuneración convenida en el artículo anterior comenzará desde el día de salida de Nueva York de cada miembro de la Misión y continuará, después de terminados sus deberes con la Misión, hasta la llegada a Nueva York, más cualquier período de licencia acumulada al cual tenga derecho dicho miembro.

Art. 3.—La remuneración debida por el período del viaje de regreso y licencia acumulada se le pagará al destacado antes de su salida de Colombia, y tal remuneración debe computarse a base de la ruta marítima ordinaria más corta, cualquiera que sea la ruta y

from the Government of the Republic of Colombia the pay of a United States naval officer of the rank to which he has qualified for promotion, payable from the date on which he makes his number for promotion and under the same conditions as prescribed in the preceding sentence of this article. The said salary shall not be subject to any Colombian tax, or to tax by any political subdivision of Colombia, that is now or shall hereafter be in effect. Should there, however, be at present or during the life of this agreement any taxes that may affect the said salaries, such taxes will be borne by the Colombian Ministry of War in order to comply with the provision stipulated above that the salaries agreed upon shall be net.

Art. 2.—The compensation agreed upon in the preceding Article shall commence upon the date of departure from New York of each member of the Mission, and shall continue, following the termination of duty with the Mission, for the return voyage to New York and thereafter for the period of any accumulated leave which may be due.

Art. 3.—The compensation due for the period of the return voyage and accumulated leave shall be paid a detached member prior to his departure from Colombia, and such payment shall be computed for travel via the shortest usually travelled sea route regardless of



modo de viajar de que se aproveche dicho destacado.

Art. 4.—El Gobierno de la República de Colombia proporcionará a cada persona de la Misión y a su familia pasaje de primera clase para el viaje, por la ruta marítima ordinaria mas corta, que sea necesario para la ejecución de este contrato, entre Nueva York y la ciudad en donde estén ubicados oficialmente en Colombia, tanto de ida como de vuelta. Los Gastos de transporte del mobiliario, equipaje y automóvil entre Nueva York y el domicilio en Colombia del personal de la Misión correrán igualmente por cuenta del Gobierno de Colombia. Se efectuará el transporte del mobiliario y equipaje para cada miembro y del automóvil para cada oficial en una sola remesa y toda remesa que siga se efectuará a costa del miembro correspondiente, con excepción de remesas adicionales que resulten de circunstancias fuera del control de dicho miembro. En el caso de personal que se añada a la Misión por tiempo determinado de poca duración a solicitud del Ministerio de Guerra de la República de Colombia, el pago de los gastos para el transporte de familias, mobiliario y automóvil, y de la compensación adicional estipulada en el Artículo 5 abajo, no corresponde a la República de Colombia bajo este contrato, sino se determinará por medio de negociaciones entre el Departamento de Marina de los Estados Unidos de Norte América y el representante debidamente autorizado del Ministerio de Guerra de la República de Colombia en Washington cuando se acuerde la designación del personal para dichos servicios.

the route and method of travel elected by the said detached member.

Art. 4.—Each member of the Mission and his family will be furnished by the Government of the Republic of Colombia with first class accommodations for travel, via the usually travelled sea route, required and performed under this contract, between New York and his official residence in Colombia both for the outward and for the return voyage. The shipment of household effects, baggage, and automobile of each member of the Mission between New York and his official residence in Colombia will be made in the same manner by the Government of the Republic of Colombia. Transportation of such household effects, baggage, and automobile for each member shall be effected in one shipment, and all subsequent shipments shall be at the expense of the respective members of the Mission except when the result of circumstances beyond their control. Payment of expenses for the transportation of families, household effects and automobiles, and of the extra compensation prescribed in Article 5, below, in the case of personnel who may join the Mission for temporary duty at the request of the Minister of War of the Republic of Colombia, shall not be required under this contract, but shall be determined by negotiations between the United States Navy Department and the authorized representative of the Ministry of War of the Republic of Colombia in Washington at such time as the detail of personnel for such temporary duty may be agreed upon.

Art. 5.—Una bonificación adicional de un mes de remuneración, pero de no menos de Dos Cientos Dolares (\$200.00), se le otorgará por el Gobierno de la República de Colombia a cada una de las personas que integran la Misión, y será destinada a compensar los gastos extraordinarios originados por cambio de residencia desde los Estados Unidos a Colombia. Una bonificación igual se le pagará a cada miembro de la Misión para compensar los gastos extraordinarios originados por cambio de domicilio desde Colombia a los Estados Unidos al terminarse el servicio con la Misión.

Art. 6.—El Gobierno de la República de Colombia concederá, a solicitud del Jefe de la Misión, entrada libre de artículos para el uso personal de los miembros de la Misión y sus familias.

Art. 7.—Si el servicio de uno de los miembros de la Misión se termina por acto del Gobierno de los Estados Unidos de Norte América antes de cumplirse dos años de servicio, excepto de acuerdo con las estipulaciones del Artículo 4.c, del Capítulo I, las estipulaciones de los Artículos 4 y 5 del Capítulo IV, no serán aplicables para el viaje de regreso. Si el servicio de uno de los miembros de la Misión se concluye antes de terminarse dos años de servicio, por otra razón cualquiera, incluyendo lo dispuesto por el Artículo 4.c, del Capítulo I, él recibirá del Gobierno de la República de Colombia todas las remuneraciones, emolumentos y ventajas como si hubiera concluido dos años de servicio; pero el salario anual se dará por terminado como se dispone por el Artículo 2 del Capítulo IV. Pero si el Gobierno de los Estados Unidos de Norte América destacare algún

Art. 5.—An additional allowance of one month's compensation, but of not less than Two Hundred Dollars (\$200.00), shall be provided by the Government of Colombia to cover extra expenses involved in change of residence from the United States to Colombia. The same additional allowance will be paid to each member for expenses incident to change of residence from Colombia to the United States upon completion of duty with the Mission.

Art. 6.—The Government of the Republic of Colombia shall grant, upon request of the Chief of Mission, free entry for articles for the personal use of the members of the Mission and their families.

Art. 7.—If the services of any member of the Mission should be terminated prior to the completion of two years' service by action of the Government of the United States of America, except in accordance with the provisions of Title I, Article 4 (c), the provisions of Title IV, Article 4, and Title IV, Article 5, shall not apply to the return voyage. If the services of any member of the Mission should terminate or be terminated prior to the completion of two years' service for any other reason, including those set forth in Title I, Article 4 (c), he shall receive from the Government of the Republic of Colombia all the compensations, emoluments, and perquisites as if he had completed two years' service, but the annual salary shall terminate as provided by Title IV, Article 2. But should the Government of the United States of America detach any member for

miembro por falta de disciplina, breach of discipline, no cost of the ninguno de los gastos del regreso a return to the United States of such los Estados Unidos de dicho miembro, his family, household effects, mobiliario, baggage or automobile shall equipaje o automóvil corresponder be borne by the Republic of Colombia y no se le pagará a dicho miembro la recompensa adicional estipulada Article 5, be paid to him. en el Artículo 5 del Capítulo IV.

Art. 8.—La remuneración para transporte y gastos de viaje en la República de Colombia, originados por comisiones oficiales del Gobierno de Colombia, será otorgada por el dicho Gobierno de la República de Colombia de acuerdo con el Artículo 4 del Capítulo III, menos viajes efectuados de acuerdo con el Artículo 4 del Capítulo IV, los cuales hay que compensarse conforme a dicho artículo.

Art. 8.—Compensation for transportation and travelling expenses in the Republic of Colombia on Colombian official business shall be provided by the Government of the Republic of Colombia in accordance with Title III, Article 4; except for travel performed incident to the provisions of Title IV, Article 4, which will be compensated as provided in that Article.

Art. 9.—Si uno de los miembros de la Misión, o cualquier miembro de su familia, llegare a fallecer en Colombia, el Gobierno de la República de Colombia tomará las medidas necesarias para que los restos mortales sean transportados al lugar de los Estados Unidos de Norte América que decidan los miembros sobrevivientes de su familia; pero los gastos que correspondan a la República de Colombia no pasarán de los del transporte de los restos desde el lugar del fallecimiento hasta Nueva York. En caso de ser el fallecido un miembro de la Misión, este contrato se considerará terminado para él quince (15) días después del fallecimiento y las remuneraciones y ventajas de que se trata el Capítulo IV de este contrato se pagarán a la viuda del fallecido o a cualquiera otra persona que el fallecido haya señalado por escrito mientras servía bajo este contrato; siempre que tal viuda u otra persona no quedare compensada por la licencia

Art. 9.—If any member of the Mission, or any of his family, die in Colombia, the Government of the Republic of Colombia shall have the body transported to such place in the United States of America as the surviving members of the family may decide, but the cost to the Government of Colombia shall not exceed the cost of transporting the remains from the place of decease to New York City. Should the deceased be a member of the Mission, his services with the Mission shall be considered to have terminated fifteen (15) days after his death, and compensations as specified in Title IV of this Agreement will be paid to the widow of the deceased or to any other person who may have been designated in writing by the deceased while serving under the terms of this contract; provided that such widow or other person shall not be compensated for the accrued leave of the deceased; and provided further that all compensations due under the pro-

acumulada del fallecido; y, además, toda remuneración pagadera conforme a lo provisto por este artículo, será pagada dentro de los quince (15) días siguientes al fallecimiento.

visions of this Article shall be paid within fifteen (15) days of the decease of the said member.

## CAPITULO V

## TITLE V

*Requisitos y Condiciones**Requisites and Conditions*

Requisites and conditions.

Art. 1.—Durante la vigencia del presente contrato, el Gobierno de la República de Colombia se abstendrá de contratar los servicios de cualquier personal de gobierno extranjero para el desempeño de funciones en su marina de guerra, salvo que exista un acuerdo previo entre los Gobiernos de los Estados Unidos de Norte América y el de la República de Colombia.

Art. 1.—So long as this Agreement, or any extension thereof, is in effect, the Government of the Republic of Colombia shall not engage the services of any personnel of any other foreign government for duties of any nature connected with the Colombian Navy, except by mutual agreement between the Government of the United States and the Republic of Colombia.

Art. 2.—Cada miembro de la Misión se comprometerá a no divulgar o revelar, por medio alguno, a cualquier gobierno o persona alguna, cualquier secreto o asunto confidencial que llegue a su conocimiento por cualquier medio. Esta promesa subsistirá aun después de terminados los servicios con la Misión y después de expirado a cancelado este contrato o cualquier prórroga.

Art. 2.—Each member of the Mission shall agree not to divulge or by any means disclose to any foreign government or person whatsoever any secret or confidential matter of which he may become cognizant in any way. This requirement shall continue to be binding after termination of duty with the Mission and after the expiration or cancellation of this agreement or any extension thereof.

Art. 3.—Entiéndese para los efectos de este contrato que el vocablo "familia" lleva el significado de esposa e hijos dependientes.

Art. 3.—Throughout this agreement the term "family" shall be construed as meaning wife and dependent children.

Art. 4.—Cada miembro de la Misión tendrá derecho a un mes de licencia por cada año de servicio, con goce de sueldo; o, por cualquier fracción de un año, a la correspondiente parte fraccional de un mes, con sueldo. Las fracciones no usadas de la licencia se acumularán de año en año durante servicio con la Misión.

Art. 4.—Each member of the Mission shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of said leave shall be cumulative from year to year during service as a member of the Mission.

Art. 5.—Podrá aprovecharse en el extranjero de la licencia citada en el artículo anterior; pero todo el tiempo utilizado en viaje durante licencia, incluyendo el tiempo de viaje por mar, se considera como licencia y no será adicional a lo autorizado arriba.

Art. 5.—The leave cited in the preceding Article may be spent in foreign countries. All travel time, including sea travel, shall count as leave and shall not be in addition to that authorized in the preceding Article.

Art. 6.—El Gobierno de la República de Colombia se compromete a otorgar la licencia acordada en el Artículo 4 de este Capítulo al recibir un oficio en tal sentido aprobado por el Jefe de Misión.

Art. 6.—The Government of the Republic of Colombia agrees to grant the leave specified in Article 4 of this Title upon receipt of written application approved by the Chief of Mission.

Art. 7.—En caso de que un miembro de la Misión cayere enfermo o sufre daño físico, será trasladado por el Gobierno de la República de Colombia al hospital que el Jefe de Misión considere adecuado después de consultarse con las autoridades colombianas, y todos los gastos que resulten de tal enfermedad o daño físico, mientras el enfermo sea miembro de la Misión y quede en Colombia, serán pagados por el Gobierno de Colombia.

Art. 7.—In case a member of the Mission becomes ill or suffers injury, he shall, at the discretion of the Chief of Mission, be placed by the Government of the Republic of Colombia in such hospital as the Chief of Mission deems suitable after consultation with the Colombian authorities, and all expenses incurred as the result of such illness while the patient is a member of the Mission and remains in Colombia shall be paid by the Government of Colombia.

Art. 8.—Cualquier miembro de la Misión que no pudiere cumplir con sus deberes por un tiempo prolongado a causa de una enfermedad o daño físico sufrido, será reemplazado.

Art. 8.—Any member unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

EN TESTIMONIO DE LO CUAL, los abajo firmados, debidamente autorizados al respecto, han firmado este contrato en duplicado en los idiomas inglés y castellano, en la ciudad de Washington, Distrito de Colombia, este el 23 día de noviembre de mil novecientos treinta y ocho.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto, have signed this agreement in duplicate in English and Spanish languages, at Washington, this 23rd day of November, A. D. 1938.

Signatures.

D. LÓPEZ PUMAREJO

SUMNER WELLES

[SEAL]

[SEAL]

November 23, 1938  
[E. A. S. No. 141]

*Agreement between the United States of America and Colombia respecting a military mission. Signed at Washington November 23, 1938.*

## AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COLOMBIA

Agreement with Co-  
lombia respecting a  
military mission.

44 Stat. 565.  
10 U. S. C. § 540.

49 Stat. 218.  
10 U. S. C., Supp.  
IV, § 540.

In conformity with a request made by the Colombian Ambassador at Washington of the Secretary of State of the United States of America, the President of the United States of America, by virtue of the authority conferred by the Act of Congress, approved May 19, 1926, entitled "an Act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Latin American Republics in military and naval matters", as amended by an Act of May 14, 1935, to include the Commonwealth of the Philippine Islands, has authorized the detail of officers constituting an American military mission to the Republic of Colombia upon the following agreed conditions:

### TITLE I

#### PURPOSE AND DURATION

Purpose and dura-  
tion.

Art. 1. The purpose of the Mission is to cooperate with the Colombian Minister of War and Chief of Staff in the development and functioning of the aviation of the Colombian Army. Officers of the Mission will act wherever required by the Colombian Ministry of War as tactical and technical advisers to the Colombian Army with regard to aviation.

Art. 2. The Mission shall continue for three years from the date of the signature of this agreement by the accredited representatives of the Governments of the United States of America and the Republic of Colombia.

Art. 3. The agreement may be terminated if necessary in the interest of either Government upon notification duly delivered through diplomatic channels three months in advance.

Art. 4. Temporary assignments of officers additional to those enumerated in Title II may be arranged by mutual agreement for shorter periods, depending upon the circumstances in each case.

Art. 5. It is herein stipulated and agreed that while the Mission shall be in operation under this agreement, or under an extension thereof, the Government of the Republic of Colombia will not engage the services of any mission or personnel of any other foreign government for the duties and purposes contemplated by this agreement, unless agreed to the contrary between the Colombian Government and the Government of the United States.

## TITLE II

## COMPOSITION AND PERSONNEL

Art. 6. The Mission will be composed at the outset of the following officers and men of the Regular Army of the United States of America: one Major or Captain of the Air Corps who shall be Chief of Mission; one Captain or First Lieutenant of the Air Corps, and three Non-commissioned Officers of the Air Corps. The senior officer will be Chief of the Mission, who will assure normally the direct relations of the Mission with the Minister of War and the Chief of Staff of the Army.

Composition and personnel.

Art. 7. Any additions to the personnel of the Mission that may be considered advisable or necessary shall be mutually agreed upon in accordance with the provisions of Article 4.

## TITLE III

## DUTIES, RANK AND PRECEDENCE

Art. 8. The members of the Mission shall be responsible solely to the Colombian Minister of War through the Chief of the Mission and shall act as tactical and technical advisers to the Colombian Army with regard to aviation.

Duties, rank and precedence.

Art. 9. In case of war between Colombia and any other nation, the Mission shall terminate within thirty days. In the case of an outbreak of civil war, the duties of the members of the Mission shall be immediately suspended, and at the option of the Government of the United States the Mission may be withdrawn immediately.

Art. 10. Precedence of officers composing the Military Mission with respect to Colombian officers shall be in accordance with their respective rank and seniority therein.

## TITLE IV

## PAY AND ALLOWANCES

Art. 11. The members of the Mission shall receive from the Colombian Government pay and allowances equal to and additional to the pay and allowances which they receive from the Government of the United States, but exclusive of any increase authorized for duty involving flying. The said salary shall be paid in twelve equal monthly installments, United States currency. Should any member of the Mission while so serving be promoted in the United States Army, he shall receive from the Government of the Republic of Colombia pay and allowances for his new rank as established according to United States Army regulations, payable as from the date of his promotion.

Pay and allowances.

Art. 12. Each member of the Mission shall have the right to receive his Colombian pay beginning on the date of his departure from New York and continuing, upon completion of his service in the Mission, up to the date of his arrival in New York, proceeding each way by usual sea route. Any member of the Mission who fails to fulfill the

terms of the contract without just cause will receive additional pay only up to the date of his departure from Bogotá, except in the case of illness or termination of the contract of the Mission, in which cases payment will be made up to arrival in New York.

Art. 13. It is further stipulated that the compensation received by members of the Mission shall not be subject to any Colombian tax now in force or which may hereafter be imposed, but should there, however, be at present or during the life of this agreement, any taxes which may affect the said compensation, such taxes shall be borne by the Colombian Ministry of War in order to comply with the provisions stipulated above that the salaries agreed upon shall be net.

Art. 14. The expenses of transportation by land and sea of the members of the Mission, their families, household effects and baggage, including automobiles, shall be paid in advance by the Colombian Government, these expenses including cost of packing and crating. Officers and their families shall be furnished with first-class accommodations, families being construed as wives and dependent children throughout the contract. It is understood, however, that the accommodations and allowances for travel and transportation of effects shall not exceed allowances prevailing in the United States Army.

With respect to an officer detailed for less than one year, the Colombian Government will not make provision for payment for transportation of the officer's family, household goods or automobile.

The household effects, baggage and automobiles of members of the Mission shall be exempt from customs duties and imposts of any kind in Colombia. The Government of the Republic of Colombia shall grant, upon the request of the Chief of Mission, free entry throughout the stay of the Mission in Colombia for articles for the personal use of members of the Mission and their families.

Art. 15. Members of the Mission who may become ill during the period of duty in Colombia shall be cared for by the Colombian Government. Any member of the Mission unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

Art. 16. If a member of the Mission or one of his family should die in Colombia, the Colombian Government shall have the body transported to such a place in the United States as the family shall designate. Should the deceased be a member of the Mission, the Colombian Government shall pay the expenses of travel of the family and transportation of their effects to New York.

Art. 17. Each member of the Mission shall be entitled to one month's annual leave with full pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of such leave shall be cumulative from year to year during service as a member of the Mission. Members of the Mission shall have the privilege of spending the leave cited above in foreign countries.

Art. 18. In case members of the Mission are required to travel on official business for the Colombian Government they shall receive the same per diem allowances and transportation allowances as those granted to officers and men of similar rank of the Colombian Army.



## TITLE V

## RECALL AND REPLACEMENT OF MEMBERS OF THE MISSION

Art. 19. The United States may, if the public interest so requires, recall at any time any or all of the members of the Mission, substituting for them other officers acceptable to the Colombian Government, all expenses in connection therewith being incumbent upon the Government of the United States of America. If on the request of the Colombian Government, any member of the Mission is recalled for due and just cause other than the termination of his services or illness, all expenses connected with the return shall be incumbent upon the United States of America.

Recall and replacement of members of the Mission.

Art. 20. If cancellation of this contract be effected on the request of the United States of America, all expenses of the return of the Mission and all effects thereof to the United States shall be borne by the Government of the United States of America; should cancellation be effected on the initiative of the Colombian Government or as a result of war between Colombia and a foreign government, or as the result of the outbreak of civil war in Colombia, the Colombian Government shall bear these costs.

Art. 21. IN FAITH WHEREOF, the undersigned, being duly authorized, sign the present contract at Washington, District of Columbia, United States of America, the twenty-third day of November of 1938.

Signatures.

D. LÓPEZ PUMAREJO

[SEAL]

SUMNER WELLES

[SEAL]

## CONTRATO ENTRE LOS GOBIERNOS DE LOS ESTADOS UNIDOS DE AMERICA Y DE LA REPUBLICA DE COLOMBIA.

De conformidad con una solicitud del Embajador de Colombia en Washington al Secretario de Estado de los Estados Unidos de América, el Presidente de los Estados Unidos de América, en virtud de la autorización conferida por la ley del Congreso, aprobada el 19 de mayo de 1926 e intitulada "ley que autoriza al Presidente para designar oficiales y personal del Ejército, de la Marina de Guerra y del Cuerpo de Infantería de Marina de los Estados Unidos de América, para colaborar con los gobiernos de las Repúblicas de la América Latina en asuntos militares y navales" y enmendada por una ley del 14 de mayo de 1935 para incluir la Mancomunidad de las Filipinas, ha autorizado el nombramiento de oficiales para constituir una misión militar estado-unidense en la República de Colombia de acuerdo con las condiciones estipuladas en seguida:

### CAPITULO I

#### FINES Y DURACIÓN

Art. 1. Es el objeto de la Misión cooperar con el Ministro de Guerra y el Jefe del Estado Mayor colombianos en el desarrollo y funcionamiento de la aviación del Ejército colombiano. Los oficiales de la Misión actuarán, dondequiera que lo exigiere el Ministerio de Guerra colombiano, como asesores tácticos y técnicos del Ejército colombiano en lo referente a aviación.

Art. 2. La Misión durará tres años a contar de la fecha en que se firme este contrato por los representantes acreditados de los Gobiernos de los Estados Unidos de América y de la República de Colombia.

Art. 3. Si así lo exigiere el interés de uno u otro Gobierno, el contrato puede darse por terminado, previo aviso, dado por la vía diplomática, con tres meses de anticipación.

Art. 4. Por mutuo acuerdo puede convenirse la designación provisional de oficiales para períodos más cortos de los enumerados en el Capítulo II, según lo determinen las circunstancias en cada caso.

Art. 5. Se estipula y conviene que mientras la Misión desempeñe sus funciones de acuerdo con este contrato, o por prórroga del mismo, el Gobierno de la República de Colombia no contrará los servicios de otra misión o personal de otro gobierno extranjero para las funciones y los objetos a que se contrae este acuerdo, salvo que se convenga lo contrario entre el Gobierno colombiano y el Gobierno de los Estados Unidos de América.

## CAPITULO II

## INTEGRACIÓN Y PERSONAL.

Art. 6. La Misión estará integrada al principio por los siguientes oficiales y soldados del Ejército regular de los Estados Unidos de América: un Mayor o Capitán del Cuerpo de Aviación que será el Jefe de Misión, un Capitán o Primer Teniente del Cuerpo de Aviación y tres suboficiales del Cuerpo de Aviación. El oficial de más alto grado será el Jefe de la Misión y tendrá a su cargo la dirección de las relaciones normales directas de la Misión con el Ministro de Guerra y el Jefe del Estado Mayor del Ejército.

Art. 7. En el caso de que se considere necesario o conveniente aumentar el personal de la Misión, ello se hará por acuerdo mutuo según las disposiciones del Artículo 4.

## CAPITULO III

## OBLIGACIONES, GRADOS Y PRECEDENCIA.

Art. 8. Los miembros de la Misión serán responsables de sus actos ante el Ministro de Guerra colombiano únicamente, por intermedio del Jefe de Misión, y actuarán como consejeros tácticos y técnicos del Ejército colombiano en lo referente a aviación.

Art. 9. En caso de guerra entre Colombia y cualquiera otra nación, la Misión terminará sus funciones dentro de un plazo de treinta días. En caso de estallar una guerra civil en Colombia se suspenderán inmediatamente los deberes de los miembros de la Misión y, a opción del Gobierno de los Estados Unidos de América, la Misión puede ser retirada inmediatamente.

Art. 10. La precedencia, de los oficiales que integran la Misión militar, en relación a los oficiales colombianos, será acorde con su respectivo grado y tiempo de servicio.

## CAPITULO IV

## PAGO Y BONIFICACIONES

Art. 11. Los miembros de la Misión recibirán del Gobierno Colombiano pago y bonificaciones iguales y adicionales al pago y bonificaciones que ellos reciben del Gobierno de los Estados Unidos de América, pero excluido cualquier aumento o prima por actividades referentes a vuelos. Dicho sueldo será pagado en doce mensualidades iguales, en moneda corriente de los Estados Unidos de América. En caso de que cualquier miembro de la Misión fuere promovido en el Ejército de los Estados Unidos de América mientras presta tales servicios, éste recibirá del Gobierno de la República de Colombia el sueldo y las bonificaciones de su nuevo grado, los cuales serán efectivos a contar de la fecha de su promoción, de acuerdo con los reglamentos del Ejército de los Estados Unidos de América.

Art. 12. Cada miembro de la Misión tendrá el derecho de recibir el pago del Gobierno Colombiano desde la fecha de su salida de Nueva York y continuará recibéndolo hasta la fecha de su regreso a esa ciudad al terminar sus servicios en la Misión, haciendo el viaje de ida y vuelta por la ruta marítima usual. Cualquier miembro de la Misión que dejare de cumplir, sin justificación, los términos del contrato, solamente recibirá el sueldo adicional hasta la fecha de su salida de Bogotá, salvo en el caso de enfermedad o de vencimiento del contrato de la Misión, en cuyos casos el pago se hará efectivo hasta la fecha de llegada a Nueva York.

Art. 13. Se estipula además que la remuneración recibida por los miembros de la Misión no estará sujeta a los impuestos vigentes del Gobierno Colombiano ni a los que fueren establecidos en el futuro y en el caso de que actualmente, o durante la vigencia de este contrato, hubiere impuestos que pudieran afectar tal remuneración, tales impuestos serán sufragados por el Ministerio de Guerra colombiano para satisfacer así las condiciones arriba estipuladas de que los sueldos convenidos sean netos.

Art. 14. Los gastos de transporte por tierra y por mar de los miembros de la Misión, sus familias, efectos domésticos y equipaje, incluyendo automóviles, serán pagados por adelantado por el Gobierno Colombiano y se comprenderá en estos gastos el costo de embalaje y empaque. Los oficiales y sus familias tendrán pasajes de primera clase, entendiéndose por "familia", para los efectos de este contrato, a la esposa e hijos a su cargo. Se entiende, sin embargo, que los pasajes y asignaciones de viaje y transporte de efectos no excederán de las asignaciones que para tal propósito rigen en el Ejército de los Estados Unidos de América.

Respecto a cualquier oficial designado por menos de un año, el Gobierno Colombiano no sufragará los gastos de transporte de la familia, efectos domésticos o automóvil.

Los efectos domésticos, equipaje y automóviles de los miembros de la Misión estarán exentos de derechos de aduana y de cualesquiera impuestos en Colombia. El Gobierno de la República de Colombia otorgará, a solicitud del Jefe de Misión, la entrada libre, durante la permanencia de la Misión en Colombia, de los artículos de uso personal de los miembros de la Misión y sus familias.

Art. 15. Los miembros de la Misión que enfermaren durante el período de sus servicios en Colombia, serán atendidos por el Gobierno Colombiano. Cualquier miembro de la Misión que no pudiere desempeñar sus funciones por motivo de incapacidad física prolongada, será reemplazado.

Art. 16. Si cualquier miembro de la Misión o de su familia falleciere en Colombia, el Gobierno Colombiano hará transportar los restos al lugar de los Estados Unidos de América que fuere indicado por la familia. En el caso de que el difunto fuere miembro de la Misión, el Gobierno Colombiano pagará los gastos de viaje de la familia y el transporte de sus efectos hasta Nueva York.

Art. 17. Cada miembro de la Misión tendrá derecho a un mes de licencia anual, con sueldo completo, o a una fracción proporcional de la licencia, con sueldo, para cualquier fracción de un año de servicio. Las porciones de tal licencia que no fueren tomadas, se acumularán de año en año mientras se preste servicio como miembro de la Misión. Dichos miembros podrán pasar el período de licencia arriba citado, en el exterior.

Art. 18. En el caso de que se requiera que los miembros de la Misión viajen en asuntos oficiales del Gobierno Colombiano, éstos recibirán las mismas dietas y gastos de viaje que se otorgan a los oficiales y soldados de igual categoría del Ejército colombiano.

## CAPITULO V

### RETIRO Y REEMPLAZO DE LOS MIEMBROS DE LA MISIÓN

Art. 19. Los Estados Unidos de América pueden, si así lo requiere el interés público, retirar en cualquier momento uno o todos los miembros de la Misión, reemplazándolos con otros oficiales que sean aceptados por el Gobierno Colombiano, y todos los gastos en que se incurra por este concepto serán sufragados por el Gobierno de los Estados Unidos de América. Si, a solicitud del Gobierno Colombiano, se retirase cualquier miembro de la Misión, por un motivo justificado que no fuere vencimiento de sus servicios o enfermedad, todos los gastos ocasionados por el viaje de regreso serán sufragados por los Estados Unidos de América.

Art. 20. Si se cancelare este contrato a iniciativa de los Estados Unidos de América, todos los gastos de viaje de regreso de la Misión y de todos sus efectos serán sufragados por el Gobierno de los Estados Unidos de América. Si se cancelare el contrato por iniciativa del Gobierno Colombiano o a consecuencia de una guerra entre Colombia y un gobierno extranjero, o de guerra civil en Colombia, estos gastos serán sufragados por el Gobierno Colombiano.

Art. 21. EN TESTIMONIO DE LO CUAL, los suscritos, debidamente autorizados, firman el presente contrato en Washington, Distrito de Columbia, Estados Unidos de América, el día veintitrés de noviembre de 1938.

[SEAL]	SUMNER WELLES
[SEAL]	D. LÓPEZ PUMAREJO

June 9, July 11 and 18,  
 Aug. 22, Sept. 27,  
 Oct. 4, Nov. 16,  
 and Dec. 20, 1938  
 [E. A. S. No. 142]

*Agreement between the United States of America and Canada respecting radio communications between Alaska and British Columbia. Effected by exchanges of notes, signed June 9, July 11 and 18, August 22, September 27, October 4, November 16, and December 20, 1938.*

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE  
 WASHINGTON  
 June 9, 1938.

SIR:

Agreement with  
 Canada respecting ra-  
 dio communications  
 between Alaska and  
 British Columbia.

I have the honor to inform you of the desire of the Polaris-Taku Mining Company, Limited, to establish radio communication between its privately owned radio station in the Province of British Columbia, Canada, and the station of the Alaska Communication System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance. In view of the nature of the messages sought to be exchanged the War Department of the United States approves the establishment of the proposed circuit.

I accordingly inquire whether the Government of Canada is prepared to authorize the suggested radio connection, omitting ordinary commercial traffic, between stations of the Alaska Communication System and radio stations located in Canada. If such approval is given by your Government it is suggested that provision be made for the modification of the details of arrangements with respect to the class of traffic handled, subject to the approval of the Secretary of War of the United States and a designated official of the Government of Canada.

It is also proposed that the arrangement provide for the operation and administration of the affected radio channels subject to the following conditions which are understood to be in accordance with the procedure and practice applicable to similar channels now in operation:

a. Radio traffic will be exchanged in accordance with the regular operating procedure of the Alaska Communication System and of the radio stations in the Dominion of Canada, provided that in cases where the operating procedure applicable to one station is in conflict with the operating procedure of the station with which radio traffic is exchanged, the differences will be administratively adjusted by cooperation between the chief operators of the stations involved.

b. The establishment of operating schedules between any two stations authorized to exchange radio traffic will be such as may be agreed upon between the Officer in Charge, Alaska Communication System, Seattle, Washington, and the administrative official in charge of the operation of the radio station with which such radio schedules are established.

c. The charges made by the Alaska Communication System on local traffic between the local radio station of the Alaska Communication System and any radio station in the Dominion of Canada with which arrangements are made for the exchange of traffic will be in accordance with duly established tariffs applicable to such service.

d. The division of tolls between the participating radio stations will be made on the basis of the tolls accruing to each in accordance with applicable tariffs, and settlement of accounts will be made by the Auditor for the Alaska Communication System, Seattle, Washington, at such intervals as may be agreed upon and in the same manner as settlement is made under similar conditions for commercial radio traffic between stations of the Alaska Communication System and other radio stations.

e. Arrangements for the exchange of radio traffic between stations of the Alaska Communication System and radio stations located in the Dominion of Canada shall not be extended to provide for the forwarding of drafts or money orders.

It should be observed that it is not intended that this proposed arrangement shall in any way contravene the provisions of the United States-Canadian regional arrangement governing the use of radio for aeronautical services, which was negotiated at a conference in Washington in January 1938 and which is now before your Government for study.

It is suggested that the contemplated service be authorized to commence at any time after the conclusion of this understanding by exchange of notes and that either party may withdraw from the arrangement by giving six months' notice in writing to the other party, at which time the arrangement shall be deemed to have terminated. In this connection, however, it should be borne in mind that the terms of this arrangement shall be within the scope of the existing international telecommunication convention and the annexed regulations to which both parties hereto may have adhered.

Accept, Sir, the renewed assurances of my highest consideration.

The Honorable

CORDELL HULL

Sir HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.*

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*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 160.

CANADIAN LEGATION

WASHINGTON

*July 11th, 1938.*

SIR:

I have the honour to refer to your note of June 9th, 1938, concerning the desire of the Polaris-Taku Mining Company Limited to establish radio communication between its privately-owned radio station in the Province of British Columbia and the station of the Alaska Communications System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance.

It appears that the Polaris-Taku Mining Company Limited is at present licensed to operate a radio station at its mine seven miles northwest of Tulsequah, British Columbia, call sign CY31, for radio-telephone communication on the frequencies 2060 and 5720 kilocycles with the Department of Public Works, Telegraph Service, radio stations at Telegraph Creek, British Columbia, and Hazelton, British Columbia, only.

On the condition that the proposed radio communication between Tulsequah, British Columbia, and Juneau, Alaska, will be strictly limited to the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance only, and in view of the fact that the proposed circuit has been approved by the War Department of the United States, the Canadian Government through the Department of Transport will be prepared to authorize the Polaris-Taku Mining Co. Ltd. radio station to communicate with the Juneau, Alaska, station subject to the conditions (a) (b) (c) (d) (e) outlined in your note of June 9th and subject also to the further conditions set forth in the last two paragraphs of the same communication.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M MARLER

The Hon. CORDELL HULL

*Secretary of State of the United States*

*Washington, D. C.*

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*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE

WASHINGTON

*July 18, 1938.*

SIR:

I have the honor to acknowledge the receipt of your note no. 160 of July 11, 1938 concerning the desire of the Polaris-Taku Mining Company, Limited, to establish radio communication between its privately owned radio station in the Province of British Columbia, Canada, and the station of the Alaska Communication System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance. I am happy to note that your Government will be prepared to authorize the Polaris-Taku Mining Company, Limited, radio station to communicate with the Juneau, Alaska, station subject to conditions *a*, *b*, *c*, *d*, and *e* outlined in my note of June 9 and subject also to the further conditions set forth in the last two paragraphs of the same communication.

In transmitting a copy of your note under acknowledgment to the War Department, the Department stated that it was suggesting to your Government that the agreement in question come into force on August 1, 1938. I shall appreciate it, therefore, if you will be



good enough to inform me whether the date of August 1, 1938 is agreeable to your Government.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

R. WALTON MOORE

The Honourable

Sir HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.*

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*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 195

CANADIAN LEGATION

WASHINGTON

*August 22, 1938*

SIR:

I have the honour to refer to your note of July 18, 1938, and previous correspondence concerning the proposed agreement under which the Polaris-Taku Mining Company, Limited, would establish radio communication between its privately-owned station in the Province of British Columbia and the station of the Alaska Communications System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency medical assistance. You enquired whether the date of August 1, 1938, would be agreeable to the Canadian Government as the date on which the agreement in question should come into force.

I am instructed to inform you that the agreement is satisfactory to the competent authorities of Canada and it is understood that it is in force as of August 1, 1938, according to the terms set out in previous correspondence.

I have the honour to be with the highest consideration, Sir,

Your most obedient humble servant,

HERBERT M MARLER

The Honourable CORDELL HULL

*Secretary of State of the United States*

*Washington, D. C.*

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*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 232.

CANADIAN LEGATION

WASHINGTON

*September 27th, 1938.*

SIR:

I have the honour to refer to my despatch No. 195 of August 22nd and to previous correspondence concerning the agreement under which the Polaris-Taku Mining Company Limited established radio communications between its privately owned station in the Province of British Columbia and the station of the Alaska Communications System at Juneau, Alaska, for the exchange of traffic pertaining to weather and flying conditions and emergency and medical assistance.

I am now instructed to call to your attention that the Department of Transport state that while the Polaris-Taku Mining Company have clearly specified the classes of message they desire to exchange between their station at Tulsequah, British Columbia, and the Juneau station of the Alaska Communications System, representations received by the Department from the legal agents of the Company state that messages following the normal routing of commercial traffic between these stations are subject to serious delay and they now request authority to handle any class of local message between Tulsequah and Juneau direct.

In view of this request the Department of Transport approached the Government Telegraph Service of the Department of Public Works with a view to eliminating the difficulties experienced in the service between Tulsequah and Juneau, and the following proposals have now been submitted in this connection by the Government Telegraph Service. These proposals—it is understood—have been approved by the legal agents of the Polaris-Taku Mining Company at Vancouver.

(1) All commercial traffic between Juneau and Tulsequah should be routed in future via Atlin instead of via Telegraph Creek, Wrangell, Seattle and Juneau, which is the present route for such traffic. The Canadian Government station at Atlin is much more powerful than the Telegraph Creek station and it is considered to be better located to work with Juneau and Tulsequah than is Telegraph Creek. It is proposed that this Tulsequah-Atlin-Juneau schedule should be worked every two hours during the day.

It is understood that it would be necessary to obtain permission from the Chief Signal Officer, United States Army, to establish this proposed communication between the station of the Alaska Communications System at Juneau and the station of the Government Telegraph Service at Atlin in order to handle Tulsequah business with Juneau.

(2) The Government Telegraph Service state that they are prepared in connection with the Sunday and holiday service to accede to the wishes of the Polaris-Taku Mining Company that the Tulsequah station should communicate direct with Juneau as is the present practice in the handling of weather reports and emergency medical assistance.

The Department of Transport state that they have no objection to the extension of this service between Tulsequah and Juneau on the basis of the proposals of the Government Telegraph Service as outlined above.

I should be glad to be informed whether this proposed arrangement would meet with the approval of the interested authorities of the United States Government.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

W A RIDDELL

For the Minister.

The Hon. CORDELL HULL,

*Secretary of State of the United States,*

*Washington, D. C.*

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE

WASHINGTON

October 4, 1938.

SIR:

I have the honor to acknowledge the receipt of a note from your Legation, No. 232 of September 27, 1938 in regard to the amplification of the former agreement concerning the transmission of meteorological and other emergency radio messages between the station of the Polaris-Taku Mining Company, Limited, and the station of the Alaska Communications System at Juneau.

It is understood that the proposed amplification comprehends the following:

1. That all commercial traffic between Juneau and Tulsequah, the station of the Polaris-Taku Mining Company, shall be routed in the future via Atlin instead of via Telegraph Creek, Wrangell, Seattle, and Juneau, the present route for such traffic.
2. In connection with Sunday and holiday service, direct communication between the Tulsequah station and Juneau following the present practice in the handling of weather reports and messages regarding emergency medical assistance.

The suggestion in the note under acknowledgment is being brought to the attention of the appropriate authorities of this Government for their consideration and such comments as they may find it desirable to submit. I shall communicate with you further as soon as a statement of their views has been received.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

G. S. MESSERSMITH

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.*

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE

WASHINGTON

November 16, 1938.

SIR:

I have the honor to refer to your Legation's note No. 232 of September 27, 1938, and my reply of October 4, 1938, outlining an amplification of the arrangement for the transmission of meteorological and other emergency radio messages between the station of the Polaris-Taku Mining Company, Limited, and the station of the Alaska Communication System at Juneau.

Upon the recommendation of the appropriate authorities of this Government I have the honor to inform you of its acceptance of the suggestions contained in your note of September 27, 1938.

It has been further suggested that the arrangement provide for the direct handling of commercial traffic between Tulsequah and Juneau at all times when the radio station at Atlin is closed or otherwise inoperative so as to permit the handling of urgent commercial traffic when the Atlin station is closed at the end of the business day as well as on Sundays and holidays.

It has also been recommended that this circuit be made available for the handling of other radio traffic between the Alaska Communication System and radio stations under the control of the Government Telegraph Service of the Canadian Department of Public Works in accordance with practices applicable to the exchange of traffic between stations of the Alaska Communication System at Fairbanks, Wrangell, and Ketchikan and stations of the Canadian Government at Dawson, Telegraph Creek, and Digby Island, respectively.

I shall be glad to be informed of the views of your Government with respect to these additional recommendations in order that, if it concurs in them, they may be made effective by this exchange of notes.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

G. S. MESSERSMITH

The Honorable

SIR HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.*

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*The Canadian Minister (Marler) to the Acting Secretary of State  
(Welles)*

No. 302.

CANADIAN LEGATION

WASHINGTON

*December 20th, 1938.*

SIR:

I have the honour to refer to your note of November 16th outlining certain additional recommendations with regard to the proposed amplification of the arrangement for the transmission of meteorological and other emergency radio messages between the station of the Polaris-Taku Mining Company Limited and the station of the Alaska Communications System at Juneau.

I have now the honour to inform you that the Canadian Government, after consultation with the appropriate authorities have decided upon the acceptance of the recommendations outlined in your note of November 16.

The Polaris-Taku Mining Company Limited have now therefore been informed that the Department of Transport have no objection to the suggested arrangement to provide for the direct handling of commercial traffic between Tulsequah and Juneau at all times when the radio station at Atlin is closed or otherwise inoperative so as to

permit the handling of urgent commercial traffic when the Atlin station is closed at the end of the business day as well as on Sundays and holidays.

With regard to the further suggestion of your government that the Atlin-Juneau channel should be used as a transfer medium for traffic between the Alaska Communications System and the stations in Northern British Columbia and the Yukon Territory operated by the Department of Transport, it is agreed that the proposed direct transfer at Juneau would be more satisfactory than the present arrangement over the White Pass and Yukon land lines, and the Government Telegraph Service, Department of Public Works, have been requested to proceed to make suitable arrangements with officials of the Alaska Communications System for putting this recommendation into practice.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

W. A. RIDDELL

For the Minister.

The Hon. SUMNER WELLES,

*Acting Secretary of State of the United States,*

*Washington, D. C.*

January 5, 1939

*Agreement between the postal administration of the United States of America and the postal administration of Belgium concerning the exchange of parcel post, with regulations of execution. Signed at Washington January 5, 1939; ratified by the President of the United States January 11, 1939; ratified by Belgium March 21, 1939; effective May 1, 1939.*

Arrangement  
entre  
l'Administration des Postes des  
Etats-Unis d'Amérique  
et  
l'Administration des Postes de la  
Belgique  
concernant  
l'Echange des Colis postaux.

Agreement  
between  
the Postal Administration of the  
United States of America  
and  
the Postal Administration of Belgium  
concerning  
the Exchange of Parcel Post.

Agreement with  
Belgium concerning  
the exchange of parcel  
post.

Désireux de conclure un Arrangement concernant l'échange des colis postaux entre la Belgique et les Etats-Unis d'Amérique, les soussignés: Comte Robert van der Straten-Ponthoz, Ambassadeur de Belgique, désigné par Sa Majesté le Roi des Belges pour son plénipotentiaire pour cet effet, et James A. Farley, le Postmaster General des Etats-Unis d'Amérique, en vertu du pouvoir qui lui est dévolu par droit, sont convenus des dispositions suivantes:

Desiring to conclude an Agreement concerning the exchange of parcel post between Belgium and the United States of America, the undersigned: Count Robert van der Straten-Ponthoz, Belgian Ambassador, designated by His Majesty the King of Belgium as his Plenipotentiary for the purpose, and James A. Farley, Postmaster General of the United States of America, by virtue of the power vested in him by law, have agreed upon the following provisions:

## ARTICLE I.

## ARTICLE I.

*Objet de l'Arrangement.**Object of the Agreement*

Territory embraced.

Entre les Etats-Unis d'Amérique (y compris l'Alaska, Hawaï, Puerto-Rico, Guam, Samoa et les Iles Vierges des Etats-Unis) et la Belgique il peut être échangé, sous la dénomination de colis postaux, des envois jusqu'aux limites de poids et de dimensions prescrites dans le Règlement d'Exécution.

Between the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) and Belgium, there may be exchanged under the denomination of parcel post parcels up to the maximum weight and the maximum dimensions indicated in the Regulations of Execution.

Post., p. 2124.

## ARTICLE II.

*Colis en transit.*

1. Chaque Administration garantit le droit de transit à ou de l'un quelconque des pays avec lequel elle échange des colis postaux aux colis originaires ou en destination du territoire de l'autre Administration contractante.

2. Chaque Administration fera connaître à l'autre quels sont les pays auxquels des colis peuvent être adressés par son intermédiaire et les droits de transport qui lui reviennent, ainsi que les autres conditions.

3. Pour être acceptés, les colis expédiés par l'un des pays contractants et destinés à transiter par l'autre pays, doivent remplir les conditions fixées par l'Administration intermédiaire.

## ARTICLE III.

*Affranchissements et taxes.*

1. L'Administration d'origine est autorisée à percevoir de l'expéditeur de chaque colis les taxes d'affranchissement, les taxes pour demandes de renseignements faites postérieurement au dépôt, et, en ce qui concerne les colis assurés (colis avec valeur déclarée), les taxes d'assurance et les taxes de renvoi des accusés de réception, prévues par sa réglementation intérieure.

2. Sauf en cas de réexpédition ou de retour des colis à l'origine, l'affranchissement des colis ainsi que le paiement d'avance des taxes susindiquées applicables, est obligatoire.

## ARTICLE IV.

*Conditionnement des colis.*

Chaque colis doit être emballé d'une manière répondant à la longueur du parcours ainsi qu'au poids du colis et à la nature du contenu comme il est prescrit par le Règlement d'Exécution.

## ARTICLE II.

*Transit parcels.*

1. Each Administration guarantees the right of transit to or from any country with which it has parcel post communication, of parcels originating in or addressed for delivery in the service of the other contracting Administration.

2. Each Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor as well as other conditions.

3. To be accepted, parcels sent by one of the contracting countries for onward transmission through the service of the other must comply with the conditions prescribed by the intermediate Administration.

## ARTICLE III.

*Prepayment of postage and fees.*

1. The Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted, and also, in the case of insured parcels, the insurance fees and the fees for return receipts prescribed by its regulations.

2. Except in the case of returned or redirected parcels, prepayment of the postage and such of the fees mentioned in the preceding section as are applicable, is compulsory.

## ARTICLE IV.

*Preparation of parcels.*

Every parcel shall be packed in a manner adequate for the length of the journey as well as the weight of the parcel and the nature of the contents as set forth in the Regulations of Execution.

Right of transit.

Intermediaries; charges.

Acceptance for onward transmission; conditions.

Collection from sender.

Exception.

Packing.

## ARTICLE V.

*Objets prohibés.*

1. Il est interdit d'expédier par colis postal:

Dangerous articles.

a) les objets qui, par leur nature ou leur emballage, peuvent présenter du danger pour les agents, salir ou détériorer les autres colis;

Narcotics.

b) l'opium, la morphine, la cocaïne et autres stupéfiants;

Nonadmissible articles.

c) les objets dont l'admission n'est pas autorisée par la douane ou par les autres lois ou règlements en vigueur dans l'un ou l'autre pays;

Letters, etc.

d) des lettres ou documents ayant le caractère de correspondance actuelle et personnelle, mais il est permis d'insérer dans un colis une facture ouverte, limitée aux renseignements constitutifs d'une facture et aussi une copie simple de l'adresse du colis, avec mention de l'adresse de l'expéditeur;

Obscene, etc., articles.

e) les objets obscènes ou immoraux;

Live animals; exceptions.

f) les animaux vivants, à l'exception des sangsues;

Enclosure with different address.

g) une pièce annexe portant une adresse différente de l'adresse portée sur l'emballage du colis;

Explosive, etc., substances.

h) les matières explosibles, inflammables ou dangereuses;

Coin, etc.

i) les pièces de monnaie, les billets de banque, les billets de monnaie ou les valeurs quelconques au porteur, le platine, l'or ou l'argent, manufacturés ou non, les pierres, les bijoux et autres objets précieux, dans les colis sans valeur déclarée.

Action to be taken.

2. Quand un colis contenant des objets prohibés est transmis par l'une des Administrations à l'autre, cette dernière doit agir conformément à ses lois et règlements intérieurs. Les matières explosibles ou inflammables ainsi que les documents, les portraits ou les autres objets portant atteinte aux bonnes moeurs du public, peuvent être détruites sur place par l'Administration qui en constate la présence dans les colis.

## ARTICLE V.

*Prohibitions.*

1. The following articles are prohibited transmission by parcel post:

(a) Articles which, from their nature or by their packing, may expose postal officials to danger, or soil or damage other parcels;

(b) opium, morphine, cocaine, and other narcotics;

(c) articles whose admission is not authorized by the customs or other laws or regulations in force in either country;

(d) a letter or document which constitutes an actual and personal correspondence, but it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, with mention of the address of the sender;

(e) obscene or immoral articles;

(f) live animals, except leeches;

(g) an enclosure which bears an address different from that placed on the cover of the parcel;

(h) explosive, inflammable, or dangerous substances;

(i) coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewels, or other precious articles, in uninsured parcels.

2. When a parcel containing any prohibited article is handed over by one Administration to the other, the latter shall proceed in accordance with its laws and inland regulations. Explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals may be destroyed on the spot by the Administration which has found them in the parcels.



Le fait qu'un colis contient une lettre ou une communication ayant le caractère d'une lettre ne peut en aucun cas entraîner le retour du colis à l'expéditeur. La lettre est toutefois taxée en vue de la perception, du destinataire, de l'affranchissement dû d'après le tarif régulier.

The fact that a parcel contains a letter or a communication having the nature of a letter may not, in any case, entail the return of the parcel to the sender. The letter is, however, marked for the collection of postage due from the addressee at the regular rate.

Parcel containing a letter.

Les deux Administrations se communiquent, au moyen de la "Liste des Objets Interdits" publiée par le Bureau International de l'Union Postale Universelle, la nomenclature de tous les objets prohibés; mais elles ne prendront, en agissant de la sorte, aucune responsabilité vis-à-vis de la police, de la douane ou des expéditeurs des colis.

The two Administrations advise each other, by means of the "List of Prohibited Articles" published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not assume on that account any responsibility towards the customs or police authorities, or the sender.

"List of Prohibited Articles."

3. Dans le cas où les colis admis à tort à l'expédition ne seraient ni renvoyés à l'origine, ni remis au destinataire, l'Administration expéditrice doit être informée, d'une manière précise, du traitement appliqué à ces colis.

3. If parcels wrongly admitted to the post are neither returned to origin nor delivered to the addressee, the Administration of origin must be informed in a precise manner of the treatment accorded to the parcels.

Parcels wrongly admitted.

#### ARTICLE VI.

#### ARTICLE VI.

*Colis assurés. (Colis avec valeur déclarée).*

*Insurance. (Parcels with declared value).*

Les colis peuvent être assurés jusqu'au montant de 500 francs-or ou l'équivalent en monnaie du pays d'origine. Cependant, les Administrations des deux pays contractants peuvent, d'un commun accord, majorer ou réduire le montant maximum de l'assurance mentionné dans le présent Arrangement.

Parcels may be insured up to the amount of 500 francs gold or its equivalent in the currency of the country of origin. However, the Administrations of the two contracting countries may, by mutual consent, increase or decrease the maximum amount of insurance mentioned in this Agreement.

Maximum amount.

Un colis ne peut donner droit à une indemnité supérieure à la valeur réelle de son contenu, mais il est permis d'assurer tout colis pour une partie seulement de cette valeur.

A parcel cannot give rise to an indemnity higher than the actual value of its contents, but it is permissible to insure it for only part of that value.

Limitation.

#### ARTICLE VII.

#### ARTICLE VII.

*Responsabilité. Indemnité.*

*Responsibility. Indemnity.*

1. Les Administrations des deux pays contractants ne seront pas responsables de la perte d'un colis ordinaire ou de la soustraction ou détérioration de son contenu.

1. The Administrations of the two contracting countries will not be responsible for the loss of an ordinary parcel or for the abstraction or damage to its contents.

Responsibility.

2. Sauf dans les cas prévus à l'article suivant, les Administrations sont responsables de la perte des colis assurés déposés dans l'un des deux pays contractants et à livrer dans l'autre, et de la perte, de la spoliation ou de la détérioration de leur contenu ou d'une partie de celui-ci.

Indemnity.

L'expéditeur, ou tout autre réclamant qualifié, a droit à une indemnité correspondant au montant réel de la perte, de la spoliation ou du dommage. L'indemnité est calculée d'après le prix courant ou, en l'absence de prix courant, d'après la valeur de la marchandise, évaluée au moment et dans le lieu du dépôt; toutefois l'indemnité ne peut en aucun cas être supérieure à la somme pour laquelle le colis a été assuré ou sur laquelle la taxe d'assurance a été perçue, ou au montant maximum de 500 francs-or.

2. Except in the cases mentioned in the article following, the Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the loss, abstraction of, or damage to their contents, or a part thereof.

The sender, or any other rightful claimant, is entitled to compensation corresponding to the actual amount of the loss, abstraction, or damage. The amount of indemnity is calculated on the basis of the current price, or, in the absence of current price, the ordinary estimated value at the place where and the time when the parcel was accepted for mailing. However, the indemnity may not in any case be greater than the amount for which the parcel was insured, and on which the insurance fee has been collected, or the maximum amount of 500 gold francs.

Indirect damages, etc.

3. Il n'est pas payé d'indemnité pour les dommages indirects ou les bénéfices non réalisés résultant de la perte, de la spoliation, de la détérioration, de la non-livraison, de la remise à une fausse adresse ou du retard d'un colis assuré expédié d'après les conditions du présent Arrangement.

3. No indemnity is paid for indirect damages or loss of profits resulting from the loss, rifling, damage, non-delivery, misdelivery, or delay of an insured parcel dispatched in accordance with the conditions of the present Agreement.

Return of postal charges on lost, etc., parcels.

4. Dans le cas où l'indemnité est due pour la perte d'un colis, pour un dommage irréparable du contenu ou pour la spoliation complète de ce contenu, le réclamant qualifié a également droit au remboursement des taxes d'affranchissement, sur demande. Les taxes d'assurance sont, dans tous les cas, conservées par les Administrations contractantes.

4. In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the rightful claimant is entitled to the return of the postal charges, if claimed. The insurance fees are in every case retained by the contracting Administrations.

Parcels originating in a third country destined for either contracting country.

5. Sauf arrangement spécial contraire entre les pays intéressés, arrangement qui peut être établi par correspondance, aucune indemnité ne sera payée par l'un ou l'autre des pays pour la perte de colis assurés en transit originaires d'un pays qui ne participe pas à cet Arrangement, et destinés à l'un des deux pays contractants,

5. In the absence of special agreement to the contrary between the countries involved, which agreement may be made by correspondence, no indemnity will be paid by either country for the loss of transit insured parcels originating in a country not participating in this Agreement and destined for one of the two con-

ou pour la perte de colis assurés en transit originaires de l'un des deux pays contractants et destinés à un pays qui ne participe pas à cet Arrangement.

6. Lorsqu'un colis assuré provenant de l'un des deux pays et destiné à être remis dans l'autre est réexpédié de là sur un tiers pays ou y est renvoyé à la demande de l'expéditeur ou du destinataire, l'ayant-droit à l'indemnité, en cas de perte, de spoliation ou d'avarie survenue subseqüemment à la réexpédition ou au renvoi du colis par le pays de l'adresse primitive, ne peut prétendre, le cas échéant, qu'à l'indemnité que consent à verser ou—suivant l'entente intervenue entre les pays intéressés directement à la réexpédition ou au renvoi—que doit payer le pays où le fait s'est produit. Chacun des deux pays signataires du présent Arrangement qui réexpédie à tort un colis assuré sur un tiers pays, est responsable envers l'expéditeur dans la même mesure que le pays originaire, donc dans les limites du présent Arrangement.

7. L'expéditeur est tenu de confectionner, d'emballer et de cacher convenablement les colis V. D. Les deux Administrations n'assument aucune responsabilité pour les pertes, spoliations ou détériorations résultant de défauts qui ne pouvaient être constatées lors du dépôt du colis.

#### ARTICLE VIII.

*Exceptions au principe de la responsabilité.*

Les Administrations contractantes sont dégagées de toute responsabilité:

a) pour les colis dont les destinataires ont pris livraison sans formuler des réserves;

b) en cas de perte ou d'avarie due à la force majeure; bien que

tracting countries or for the loss of transit insured parcels originating in one of the two contracting countries and destined for a country not participating in this Agreement.

Parcels destined for country not party to agreement.

6. When an insured parcel originating in one of the two countries and destined to be delivered in the other is reforwarded from there to a third country or is returned to a third country at the request of the sender or of the addressee, the party entitled to indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim in such a case only to the indemnity which the country where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

Parcels reforwarded to or returned to a third country.

7. The sender is bound to make up, pack, and seal insured parcels adequately. Moreover, the two Administrations assume no responsibility in case of loss, rifling, or damage caused by defects not noticed at the time of mailing.

Packing requirements.

#### ARTICLE VIII.

*Exceptions to the principle of responsibility.*

The Administrations are relieved of all responsibility:

(a) For parcels of which the addressee has accepted delivery without reservation;

(b) in case of loss or damage through force majeure (causes be-

Parcels accepted without reservation.

Loss, etc., through force majeure.

chacune des Administrations puisse, de son gré et sans recours contre l'autre Administration, payer l'indemnité pour la perte ou l'avarie due à la force majeure, même si l'Administration du pays dans le service duquel la perte ou l'avarie a eu lieu reconnaît que le dommage a été causé par la force majeure. Le pays responsable de la perte, de la spoliation ou de l'avarie doit, suivant sa législation intérieure, décider si cette perte, spoliation ou avarie est due à des circonstances constituant un cas de force majeure;

yond control) although either Administration may at its option and without recourse to the other Administration pay indemnity for loss or damage due to force majeure even in cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure. The country responsible for the loss, abstraction, or damage must decide, in accordance with its internal legislation, whether this loss, abstraction, or damage is due to circumstances constituting a case of force majeure;

Destruction of official documents.

c) lorsque, la preuve de leur responsabilité n'ayant pas été administrée autrement, elles ne peuvent rendre compte des colis par suite de la destruction des documents de service résultant d'un cas de force majeure;

(c) when, their responsibility not having been proved otherwise, they are unable to account for parcels in consequence of the destruction of official documents through force majeure;

Damage through fault of sender, addressee, etc.

d) lorsque le dommage a été causé par la faute ou la négligence de l'expéditeur ou du destinataire ou du représentant de l'un ou l'autre, ou provient de la nature de l'objet;

(d) when the damage has been caused by the fault or negligence of the sender or of the addressee or the representative of either, or when it arises from the nature of the article;

Prohibited articles.

e) pour les colis qui contiennent des objets prohibés;

(e) for parcels which contain prohibited articles;

Declaration above real value.

f) quand l'expéditeur d'un colis assuré, avec l'intention de faire une fraude, déclare que le contenu du colis a une valeur supérieure à sa valeur réelle; mais cette règle ne porte préjudice à aucune poursuite judiciaire nécessitée par la législation du pays d'origine;

(f) in case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin;

Seizure because of false declaration.

g) pour les colis saisis par la douane par suite de fausse déclaration de leur contenu;

(g) for parcels seized by the Customs because of false declaration of contents;

Application, etc., for indemnity not made within a year.

h) quand aucune réclamation ni demande d'indemnité n'a été présentée par le réclamant ou par son représentant dans le délai d'un an à partir du lendemain du jour du dépôt du colis assuré;

(h) when no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the insured parcel;

Matter of no intrinsic value, etc.

i) pour les colis qui contiennent des objets sans valeur intrinsèque ou des objets périssables, ou des objets qui ne remplissaient pas les stipulations de cet Arrangement, ou qui n'avaient pas été déposés de la manière prescrite; mais le pays responsable de la perte, de la

(i) for parcels which contain matter of no intrinsic value or perishable matter or which did not conform to the stipulations of this Agreement or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay

spoliation ou de l'avarie pourra indemnity in respect of such parcels without recourse to the other tels colis sans recours contre Administration. l'autre Administration.

## ARTICLE IX.

*Cessation de la responsabilité.*

Les Administrations cessent d'être responsables des colis dont elles ont effectué la remise dans les conditions prescrites par leur règlement intérieur pour les envois de même nature.

Toutefois, la responsabilité est maintenue lorsque le destinataire ou, en cas de renvoi, l'expéditeur, formule des réserves en prenant livraison d'un colis spolié ou avarié.

## ARTICLE IX.

*Termination of responsibility.*

Administrations cease to be responsible for parcels of which they have effected delivery in accordance with their internal regulations for parcels of the same kind.

Responsibility is, however, maintained when the addressee or, in case of return, the sender makes reservations in taking delivery of a parcel which has been abstracted or damaged.

Termination of responsibility.

## ARTICLE X.

*Paiement de l'indemnité.*

L'obligation de payer l'indemnité ainsi que les taxes et droits à restituer incombe à l'Administration dont relève le bureau expéditeur du colis; toutefois, lorsque l'indemnité est payée au destinataire selon le deuxième alinéa du paragraphe 2, de l'Article VII, cette obligation incombe à l'Administration de destination.

L'Administration payante a un droit de recours contre l'Administration responsable.

## ARTICLE X.

*Payment of compensation.*

The obligation to pay compensation, as well as the fees and charges due to be refunded, rests with the Administration to which the office of origin of the parcel is subordinate. However, in cases where the compensation is paid to the addressee in accordance with Article VII, Section 2, second paragraph, the obligation rests with the Administration of destination.

The paying Administration retains the right to make a claim against the Administration responsible.

Payment of compensation.

## ARTICLE XI.

*Délai de paiement de l'indemnité.*

1. Le paiement de l'indemnité doit avoir lieu le plus tôt possible et, au plus tard, dans le délai d'un an à compter du lendemain du jour de la réclamation.

Toutefois, l'Administration à laquelle incombe ce paiement peut exceptionnellement différer le rè-

## ARTICLE XI.

*Period for payment of compensation.*

1. The payment of compensation must take place as soon as possible, and at the latest, within the period of one year counting from the day following that on which the claim is made.

However, the Administration responsible for making payment may exceptionally defer payment

Period for payment of compensation.

Deferment of payment.

glement de l'indemnité jusqu'au delà de la période d'un an si, à la fin de cette période, il n'a pas été possible de déterminer ce qu'est devenu l'envoi en question ou de fixer la responsabilité encourue.

Payment when delayed nine months.

2. Sauf en cas où le paiement est exceptionnellement différé en conformité avec le deuxième alinéa du paragraphe précédent, l'Administration postale qui se charge du paiement de l'indemnité est autorisée à désintéresser l'ayant-droit pour le compte de l'Administration qui, régulièrement saisie, a laissé s'écouler neuf mois sans donner de solution à l'affaire.

of indemnity for a longer period than one year, if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

2. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes the payment of compensation is authorized to pay indemnity on behalf of the Administration which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

## ARTICLE XII.

### *Détermination de la responsabilité.*

Fixing of responsibility.

1. Jusqu'à preuve du contraire, la responsabilité pour un colis assuré incombe à l'Administration qui, ayant reçu le colis sans faire d'observation et étant mise en possession de tous les moyens réglementaires d'investigation, ne peut pas établir le sort du colis.

2. Lorsque la perte, la spoliation ou l'avarie d'un colis assuré est constatée par le bureau d'échange destinataire, au moment de l'ouverture des dépêches, et est régulièrement signalée au bureau d'échange expéditeur, la responsabilité incombe à l'Administration à laquelle appartient le bureau d'échange expéditeur, à moins qu'il ne soit prouvé que la perte, la spoliation ou l'avarie a eu lieu dans le service de l'Administration destinataire.

3. Si la perte, la spoliation ou l'avarie s'est produite en cours de transport, sans qu'il soit possible d'établir sur le territoire ou dans le service de quel pays le fait s'est accompli, les Administrations en cause supportent le dommage par parts égales.

4. L'Administration qui a effectué le paiement de l'indemnité,

## ARTICLE XII.

### *Fixing of responsibility.*

1. Until the contrary is proved, responsibility for an insured parcel rests with the Administration which, having received the parcel without making any observations and being put in possession of all the regulation means of investigation, cannot establish the disposal of the parcel.

2. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred in the service of the receiving Administration.

3. If the loss, rifling, or damage has taken place in the course of transportation, without its being possible to establish on the territory or in the service of which country the act took place, the Administrations involved bear the loss in equal shares.

4. The Administration paying compensation takes over, to the

est subrogée, jusqu'à concurrence du montant de cette indemnité, dans les droits de la personne qui l'a reçue, pour tout recours éventuel, soit contre le destinataire, soit contre l'expéditeur ou contre des tiers.

5. En cas de découverte ultérieure d'un colis considéré comme perdu, la personne à qui l'indemnité a été payée doit être avisée qu'elle peut prendre possession du colis contre restitution du montant de l'indemnité.

extent of the amount paid, the rights of the person who has received it, in any action which may be taken against the addressee, the sender, or a third party.

5. If a parcel which has been regarded as lost is subsequently found, the person to whom compensation has been paid must be informed that he is at liberty to take possession of the parcel against repayment of the amount of compensation.

### ARTICLE XIII.

#### *Remboursement de l'indemnité.*

1. L'Administration responsable de la perte, de la spoliation ou de l'avarie, ou celle pour le compte de laquelle le paiement est effectué, est tenue de rembourser le montant de l'indemnité au pays qui a effectué le paiement. Ce remboursement doit se faire sans délai, et, au plus tard, neuf mois après réception de la notification du paiement.

2. Les remboursements au pays créancier doivent être faits sans frais pour ce pays, au moyen d'un mandat ou d'une traite, en monnaie ayant cours dans le pays créancier, ou par tout autre moyen qui pourra être convenu d'un commun accord, par correspondance.

3. Les remboursements d'indemnité de pays à pays seront faits sur la base du franc-or.

### ARTICLE XIV.

#### *Droit de dédouanement.*

L'Administration destinataire peut percevoir, au moment de la livraison, soit pour la remise à la douane et le dédouanement, soit pour la remise à la douane seulement, un droit s'élevant à 50 centimes au maximum par colis.

### ARTICLE XIII.

#### *Repayment of compensation.*

1. The Administration responsible for the loss, rifling, or damage and on whose account payment is made, is bound to repay the amount of the indemnity to the country which has effected the payment. This reimbursement must take place without delay, and at the latest nine months after notification of payment.

2. These repayments to the creditor country must be made without expense for that country, by money order or draft, in money valid in the creditor country or in any other way to be mutually agreed upon by correspondence.

3. The reimbursement of the indemnities must be effected on the basis of the gold franc.

### ARTICLE XIV.

#### *Fee for customs clearance.*

The Administration of destination may collect at the time of delivery either in respect of delivery to the Customs and clearance through the Customs, or in respect of delivery to the Customs only, a fee not exceeding 50 centimes gold per parcel.

Repayment of compensation.

Fee for customs clearance.

## ARTICLE XV.

*Remise au destinataire. Droit de remise à domicile.*

Delivery to addressee; fee.

Les colis sont remis aux destinataires dans le plus bref délai possible et conformément aux dispositions en vigueur dans le pays de destination. Ce pays peut percevoir, pour la remise des colis à domicile, un droit s'élevant à 50 centimes-or au maximum par colis. Le même droit est applicable, le cas échéant, à toute présentation, autre que la première, faite au domicile du destinataire.

## ARTICLE XV.

*Delivery to the addressee. Fee for delivery at the place of address.*

Parcels are delivered to the addressee as quickly as possible in accordance with the conditions in force in the country of destination. This country may collect for delivery of parcels to the addressee a fee not exceeding 50 centimes gold per parcel. The same fee may be charged, if the case arises, for each presentation after the first at the addressee's residence.

## ARTICLE XVI.

*Droit de magasinage.*

Warehousing charges.

Le pays de destination est autorisé à percevoir le droit de magasinage fixé par sa législation pour les colis adressés poste restante ou non retirés dans les délais prescrits.

Ce droit ne peut toutefois excéder 5 francs-or.

## ARTICLE XVI.

*Warehousing charges.*

The country of destination is authorized to collect the warehousing charge fixed by its legislation for parcels addressed "Poste Restante" or which are not claimed within the prescribed period.

This charge may in no case exceed five francs gold.

## ARTICLE XVII.

*Droits de douane.*

Customs charges.

Les colis sont soumis à toutes les lois et règlements de douane en vigueur dans le pays de destination. Les droits exigibles de ce chef sont perçus sur le destinataire lors de la remise du colis, suivant le règlement de douane.

## ARTICLE XVII.

*Customs charges.*

The parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel in accordance with the customs regulations.

## ARTICLE XVIII.

*Annulation des droits de douane.*

Customs charges to be canceled.

Les droits de douane sur les colis renvoyés au pays d'origine ou réexpédiés sur un tiers pays seront annulés tant en Belgique qu'aux Etats-Unis d'Amérique.

## ARTICLE XVIII.

*Customs charges to be canceled.*

The customs charges on parcels sent back to the country of origin or redirected to another country shall be canceled both in Belgium and in the United States of America.



## ARTICLE XIX.

## ARTICLE XIX.

*Retrait et changement d'adresse.**Recall and change of address.*

Tant qu'un colis n'a pas été livré au destinataire, l'expéditeur peut en demander le retrait ou en faire modifier l'adresse. L'Administration postale du pays d'origine est autorisée à percevoir et à conserver, pour ce service, le droit fixé par son règlement. Les demandes de retrait ou de changement d'adresse doivent être adressées à l'Administration Centrale à Washington, s'il s'agit de colis destinés à être distribués aux Etats-Unis d'Amérique, et au bureau de destination, s'il s'agit de colis destinés à être distribués en Belgique.

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be changed. The Postal Administration of the country of origin may collect and retain for this service the charge fixed by its regulations. The requests for recall or change of address must be sent to the Central Administration at Washington in case of parcels destined for the United States, and to the office of destination in the case of parcels destined for Belgium.

Recall and change of address.

## ARTICLE XX.

## ARTICLE XX.

*Certificat de dépôt. Récépissés.**Certificate of mailing. Receipts.*

L'expéditeur d'un colis ordinaire (non assuré) recevra, sur demande faite au moment de la remise au transport, un certificat de dépôt délivré par le bureau d'acceptation sur une formule spéciale dressée à cet effet; chaque pays pourra percevoir une taxe raisonnable pour ce certificat.

The sender of an ordinary (uninsured) parcel, will receive on request made at the time of mailing, a certificate of mailing from the post office where the parcel is mailed, on a special form provided for the purpose; and each country may collect a reasonable fee for this certificate.

Sender furnished certificate on request.

L'expéditeur d'un colis assuré reçoit gratuitement au moment de dépôt, un récépissé y relatif.

The sender of an insured parcel receives without charge, at the time of posting, a receipt for his parcel.

Receipt.

## ARTICLE XXI.

## ARTICLE XXI.

*Avis de réception et réclamations.**Return receipts and inquiries.*

1. L'expéditeur d'un colis assuré peut obtenir un avis de réception, moyennant, le cas échéant, le paiement d'une taxe supplémentaire que le pays d'origine fixera et dans les conditions établies par le Règlement d'Exécution.

1. The sender of an insured parcel may obtain an advice of delivery upon payment of such additional charges, if any, as the country of origin of the parcel shall stipulate and under the conditions laid down in the Regulations of Execution.

Advice of delivery.

2. Le pays d'origine a la faculté de percevoir une taxe pour toute demande de renseignements, relative au sort d'un colis ordinaire ou avec valeur déclarée, formulée postérieurement au dépôt, si l'ex-

2. The country of origin has the right to charge a fee for any request for information relative to the disposal of an ordinary parcel or of an insured parcel made after it has been posted, if the sender

Inquiries.

péditeur n'a pas déjà payé la taxe spéciale relative à l'avis de réception. has not already paid the special fee to obtain an advice of delivery.

Complaint of irregularity.

3. Le pays d'origine a également la faculté de percevoir une taxe pour toute réclamation relative à une irrégularité qui, à première vue, n'est pas imputable à une faute du service postal.

3. The country of origin also has the right to charge a fee for any complaint of irregularity which prima facie was not due to the fault of the Postal Service.

#### ARTICLE XXII.

##### *Colis en fausse direction.*

Missent parcels.

Les colis ordinaires envoyés en fausse direction sont réexpédiés sur leur destination par la voie la plus directe dont dispose l'Administration qui les a reçus par erreur. Cette Administration ne peut frapper ces colis de droits de douane ou d'autres taxes quelconques.

Reforwarding restrictions.

Les colis assurés reçus en fausse direction ne sont réexpédiés que s'ils peuvent être réexpédiés comme colis assurés. Si cette condition n'est pas remplie, ces colis sont renvoyés à l'origine.

Refund, if returned.

Lorsque le réacheminement comporte le retour du colis au bureau d'origine, l'Administration qui effectue la retransmission rembourse à ce bureau les bonifications reçues et signale l'erreur par bulletin de vérification.

Reforwarding to a third country.

Lorsque le réacheminement comporte l'expédition d'un colis sur un tiers pays et que la somme créditée à l'Administration effectuant la retransmission ne suffit pas à couvrir les frais de celle-ci, l'Administration réexpéditrice bonifie à l'Administration à laquelle elle remet le colis, les droits de transport que comporte l'acheminement; elle récupère ensuite le montant de l'insuffisance par reprise sur le bureau d'échange dont elle a directement reçu le colis en fausse direction. Le motif de cette reprise est notifié à ce bureau au moyen d'un bulletin de vérification.

#### ARTICLE XXII.

##### *Missent parcels.*

Ordinary parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the reforwarding Administration. They must not be charged with customs or other charges by that Administration.

Insured parcels, when missent, may be reforwarded to their destination only as insured mail. If this is impossible, they must be returned to origin.

When the reforwarding involves return of the parcel to the office of origin, the retransmitting Administration refunds to that office the credits received and reports the error by a bulletin of verification.

When the reforwarding involves dispatch of a parcel to a third country and if the amount credited to the retransmitting Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration allows to the Administration to which it forwards the parcel the credits due it; it then recovers the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a bulletin of verification.

#### ARTICLE XXIII.

##### *Réexpédition.*

Reforwarding.

1. La réexpédition d'un colis, par suite de changement de rési-

#### ARTICLE XXIII.

##### *Reforwarding.*

1. A parcel may be redirected in consequence of the addressee's

dence du destinataire dans le territoire du pays de destination, peut être faite sur la demande de l'expéditeur ou du destinataire.

La réexpédition d'un colis sur le territoire d'un des pays contractants donne lieu à la perception des taxes supplémentaires prévues par l'Administration de ce pays. Il en est de même, le cas échéant, en ce qui concerne la remise de ce colis à une autre personne au lieu de destination primitif. Ces taxes ne seront pas annulées, même au cas où le colis est renvoyé à l'origine ou réexpédié sur un autre pays.

2. Si un colis doit être réexpédié sur un des deux pays signataires du présent Arrangement, il est passible des nouvelles taxes de transport, et, le cas échéant, de la taxe à la valeur, à moins que ces taxes n'aient pas été payées d'avance. Les nouveaux droits sont perçus sur le destinataire par l'Administration qui effectue la remise. Les colis assurés doivent être réexpédiés comme tels.

3. Sur demande de l'expéditeur ou du destinataire, les colis peuvent aussi être réexpédiés sur un autre pays ou y être renvoyés. Les colis assurés ne peuvent cependant être réexpédiés ou renvoyés que comme tels. Les expéditeurs peuvent revêtir les colis de la mention "Ne pas réexpédier sur un tiers pays". Dans ce cas, les colis ne doivent être réexpédiés sur aucun autre pays. En cas de perte, de spoliation ou d'avarie d'un colis assuré réexpédié sur un tiers pays ou renvoyé par ce pays, l'indemnité est déterminée exclusivement d'après les dispositions de l'Article VII paragraphe 6 du présent Arrangement.

#### ARTICLE XXIV.

##### *Non-remise.*

1. Les colis tombés en rebut, renvoyés à l'expéditeur sont grevés d'une nouvelle taxe d'affranchissement ainsi que des nouveaux droits d'assurance, le cas échéant, et doivent être renvoyés comme

change of address in the country of destination, at the request of either the sender or the addressee.

The reforwarding of a parcel within one of the contracting countries gives rise to the collection of the supplementary charges provided for by the Administration of that country. The same is true, if occasion arises, in regard to the delivery of such parcel to another person at the original place of destination. These charges shall not be canceled even in case the parcel is returned to origin or reforwarded to another country.

2. If a parcel must be reforwarded to one of the two countries signatory to the present Agreement, it is liable to new postage charges and, if occasion arises, new insurance fees, unless such charges and fees have been paid in advance. The new fees are collected from the addressee by the Administration effecting the delivery. Insured parcels must be reforwarded as such.

3. At the request of the sender or addressee, parcels may also be reforwarded or returned to another country. Insured parcels may not, however, be reforwarded or returned except as such. The senders may mark the parcels: "Do not forward to a third country". In that case, the parcels must not be reforwarded to any other country. In case of loss, rifling, or damage of an insured parcel reforwarded to another country or returned by that country, the indemnity is decided upon exclusively in accordance with the provisions of Article VII, Section 6.

Supplementary charges.

Reforwarding, etc., to a third country.

#### ARTICLE XXIV.

##### *Non-delivery.*

1. Undeliverable parcels returned to the sender are liable to new postage charges as well as insurance fees if necessary, and must be returned as parcels of the same class in which they were

Undeliverable parcels.

ils ont été reçus. Les droits sont perçus sur l'expéditeur par l'Administration qui lui a remis les colis.

**Disposition.**

2. Au moment du dépôt, l'expéditeur peut indiquer, par une mention portée au verso du bulletin d'expédition et sur le colis lui-même, de quelle façon doit être traité le colis, en cas de non-remise.

A cet effet, il peut demander que son colis soit:

- a) renvoyé à l'expéditeur;
- b) considéré comme abandonné;

ou

c) présenté à une autre personne dans le pays de destination.

Aucune demande autre que celles qui sont prévues ci-dessus n'est admise.

Return to origin,  
barring contrary in-  
struction.

3. Sauf demande contraire de l'expéditeur, les colis qui n'ont pu être distribués sont renvoyés à l'origine sans préavis, à l'expiration d'une période de 30 jours, à partir de leur date d'arrivée au bureau de destination. Les colis que le destinataire refuse d'accepter doivent être renvoyés immédiatement. Tout colis renvoyé à l'expéditeur doit porter l'indication très claire du motif de la non-remise.

Parcels liable to  
deterioration, etc.

4. Seuls les colis susceptibles de détérioration ou de corruption peuvent être vendus immédiatement, même en cours de transport, à l'aller ou au retour, sans préavis et sans formalités judiciaires, au profit de qui de droit.

Si, pour une cause quelconque, la vente est impossible, les objets détériorés ou corrompus sont détruits. La vente ou la destruction donne lieu à l'établissement d'un procès-verbal qui est transmis à l'Administration d'origine.

Abandoned unde-  
liverable parcels.

5. Les colis non distribuables, abandonnés par l'expéditeur, ne sont pas renvoyés à l'origine par l'Administration de destination, qui les traite d'après sa législation.

Dans le cas de colis assurés que l'expéditeur déclare vouloir abandonner et qui ne peuvent être distribués, il sera dressé procès-verbal du sort réservé au colis, et l'Administration d'origine en sera informée.

received. The charges are collectible from the sender and are collected by the Administration which delivers the parcels to him.

2. At the time of mailing, the sender may indicate by a note on the back of the dispatch note and on the parcel itself, how his parcel is to be disposed of in case of non-delivery.

To this end, he may request that his parcel be:

- (a) returned to sender;
- (b) considered as abandoned;

or

(c) delivered to another person in the country of destination.

No note other than those provided for above, or note of similar import, is permitted.

3. Barring contrary instructions, undeliverable parcels are returned to origin, without previous notification, 30 days after their arrival at the office of destination. Parcels which the addressee refuses to accept shall be returned immediately. In all cases, the reason for non-delivery must be indicated clearly on the parcel.

4. Parcels liable to deterioration or corruption, and these only, may be sold immediately, even en route, on the outward or return voyage, without previous notice and without judicial formality for the profit of the rightful party.

If, for any reason, sale is impossible, the deteriorated or corrupted articles are destroyed. The sale or destruction gives rise to the making of a report which is sent to the Administration of origin.

5. Undeliverable parcels abandoned by the sender, are not returned to origin by the Administration of destination, which treats them according to its legislation.

In case of insured parcels which are abandoned by the sender and which are undeliverable, a report will be prepared of the disposal of the parcel and the Administration of origin will be informed thereof.

6. Les dispositions de l'Article XXV, paragraphe 2, s'appliqueront à un colis qui est retourné par suite de non-remise.

6. The provisions of Article XXV, Section 2, shall be applied to a parcel which is returned in consequence of non-delivery.

# ARTICLE XXV.

# ARTICLE XXV.

## Bonifications.

## Charges.

1. Pour chaque colis (ordinaire ou assuré) échangé entre les deux pays contractants, l'Administration expéditrice bonifie à l'Administration destinataire les quotes-parts revenant à cette dernière, et indiquées dans le Règlement d'Exécution.

1. For each parcel (ordinary or insured) exchanged between the two contracting countries, the dispatching Administration credits to the Administration of destination the quotas due to the latter and indicated in the Regulations of Execution.

Credits.

2. En cas de réexpédition ou de renvoi d'un colis à l'origine, si un nouvel affranchissement et un nouveau droit d'assurance (en cas de colis assuré) sont perçus par le bureau réexpéditeur, le colis est traité comme s'il était originaire de ce pays. Dans le cas contraire, l'Administration réexpéditrice reprend sur l'autre Administration l'ensemble des frais qui lui sont dus, c'est-à-dire, suivant le cas:

2. In case of reforwarding or return to origin of a parcel, if new postage and new insurance fees (in the case of insured parcels) are collected by the redispaching office, the parcel is treated as if it had originated in that country. Otherwise, the redispaching office recovers from the other office, the whole of the charges due to it, namely, as the case may be:

Post, p. 2124.

Reforwarding or return to origin.

a) les droits prescrits dans le paragraphe 1 ci-dessus;

(a) the charges prescribed by Section 1 above;

b) les droits de dédouanement, de remise et de magasinage prévus aux articles XIV, XV et XVI;

(b) the customs clearance, delivery, and storage charges provided for in Articles XIV, XV, and XVI;

c) les droits de réexpédition ou de renvoi.

(c) the charges for reforwarding or return.

Reforwarding, etc., to a third country.

En cas de réexpédition ou de renvoi sur un tiers pays, les droits accumulés, c'est-à-dire, ceux des droits mentionnés ci-dessus en a), b) et c) qui sont applicables, suivent à charge du colis; mais dans le cas où le tiers pays intéressé n'accepte pas l'imputation des droits parce qu'ils ne peuvent être perçus du destinataire ou de l'expéditeur, le cas échéant, ou pour une raison quelconque, ces droits sont repris sur le pays d'origine.

In case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a), (b), and (c) above as are applicable, shall follow the parcel, but in the case that the third country concerned refuses to assume the charges because they cannot be collected from the addressee or the sender, as the case may be, or for any other reason, they shall be charged back to the country of origin.

En cas d'un colis renvoyé ou réexpédié en transit à travers l'une des Administrations vers l'autre, l'Administration intermédiaire pourra exiger aussi la somme qui lui est due pour tout autre service territorial ou maritime effectué, ainsi que tous montants dus à une ou plusieurs autres Administra-

In the case of a parcel returned or reforwarded in transit through one of the two Administrations to or from the other, the intermediary Administration may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Ad-

Returned or reforwarded in transit.

tions quelconques qui sont inté- ministration or Administrations  
ressées. concerned.

## ARTICLE XXVI.

## ARTICLE XXVI.

*Interdiction de percevoir des taxes Postales autres que celles qui sont prescrites.* *Postal charges other than those prescribed not to be collected.*

Postal charges.

Les colis auxquels s'applique le présent Arrangement ne seront soumis à aucune taxe postale autre que celles qui sont prévues dans les différents articles dudit Arrangement.

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

## ARTICLE XXVII.

## ARTICLE XXVII.

*Colis avion.**Air parcels.*

Air surtax, etc.

Les Chefs des Administrations postales des deux pays contractants ont le droit de fixer, de commun accord, la surtaxe aérienne et les autres conditions, au cas où les colis sont transportés par voie aérienne.

The Chiefs of the Postal Administrations of the two contracting countries have the right to fix by mutual consent the air surtax and other conditions in the case where the parcels are conveyed by the air routes.

## SERVICE DES COLIS CONTRE REMBOURSEMENT.

## COLLECT-ON-DELIVERY SERVICE.

## ARTICLE XXVIII.

## ARTICLE XXVIII.

*Sujet.**Subject.*

Acceptance of parcels.

1. Les colis expédiés contre remboursement sont acceptés dans tous les bureaux ouverts au service des colis postaux aux Etats-Unis d'Amérique ou en Belgique.

1. Collect-on-delivery parcels shall be accepted in all the offices open for parcel post service in the United States of America or in Belgium.

2. Les colis expédiés contre remboursement ne sont acceptés que lorsqu'ils sont assurés.

2. Collect-on-delivery parcels shall be accepted only when insured.

3. Les dispositions des articles XXVIII-XXXIX de cet Arrangement ne s'appliquent pas aux colis en transit grevés de remboursement.

3. The provisions of the Articles XXVIII-XXXIX of this Agreement do not cover transit collect-on-delivery parcels.

## ARTICLE XXIX.

## ARTICLE XXIX.

*Affranchissement. Taxes.**Postage and fees.*

Postage and fees.

1. Les colis grevés de remboursement sont soumis aux taxes, conditions de dépôt et autres formalités applicables aux colis assurés qui ne sont pas expédiés contre remboursement. L'Admi-

1. Parcels bearing charges for collection on delivery shall be subject to the fees, conditions of mailing, and other formalities applicable to insured parcels without trade charges. The Administra-

nistration d'origine a le droit de percevoir de l'expéditeur de chaque colis de l'espèce, une taxe de remboursement fixée par son règlement, en plus de la taxe postale et des autres taxes.

2. Les taxes d'affranchissement appartiennent au pays qui les perçoit. Aucun compte spécial n'est tenu de ces taxes entre les deux Administrations, sauf ceux prescrits dans l'article XXV.

#### ARTICLE XXX.

##### *Montant du remboursement.*

1. Le montant du remboursement sera de 300 francs-or ou son équivalent dans la monnaie du pays d'origine. Ce montant peut être réduit ou majoré à n'importe quel moment, après un commun accord, par correspondance, entre les deux Administrations. Le montant du remboursement doit être invariablement exprimé dans la monnaie du pays d'origine.

2. Lorsque l'expéditeur demande le dégrèvement total ou partiel du montant du remboursement, sauf arrangement contraire par correspondance, la demande doit être traitée entre les bureaux d'échange qui sont intervenus dans l'acheminement du colis.

#### ARTICLE XXXI.

##### *Décompte.*

1. Le montant entier du remboursement, sans aucune déduction pour la taxe de mandat-poste ou pour les droits d'encaissement, doit être transmis à l'expéditeur au moyen d'un mandat-poste international. Le bureau qui délivre le colis grevé de remboursement encaisse du destinataire le montant entier du remboursement, et, en outre, les taxes de mandat-poste qui sont exigées pour verser le montant du remboursement à l'expéditeur dans le pays d'origine.

tion of origin is entitled to collect from the sender of each parcel of this kind such collect-on-delivery fee, in addition to the required postage and other fees, as may be prescribed by its regulations.

2. The postage fees shall belong entirely to the country collecting them. No special account of these fees is to be made between the two Administrations except as stated in Article XXV.

#### ARTICLE XXX.

##### *Amount of C. O. D.*

1. The maximum amount to be collected on delivery shall be 300 gold francs or its equivalent in currency of the country of origin. This amount may be increased or decreased at any time by mutual agreement through correspondence between the two Administrations. The amount to be collected on delivery shall invariably be expressed in currency of the country of origin.

2. When the sender makes a request for any reduction or cancellation of the amount to be collected on delivery, the request shall be handled between the exchange offices which have handled the parcel, unless otherwise agreed to through correspondence.

#### ARTICLE XXXI.

##### *Settlement.*

1. The entire amount of the collect-on-delivery charges without any deduction for money order fee or collection charges is to be remitted to the sender by means of an international money order. The office delivering the C. O. D. parcel will collect from the addressee the full amount of the C. O. D. charges and in addition thereto such money order fees as are required to remit the amount of the C. O. D. charges to the sender in the country of origin.

Accounting.

Maximum amount to be collected.

Handling of requests.

Remission of amount to sender.

## Collection charge.

2. Le pays qui effectue la livraison d'un colis grevé de remboursement peut à son choix percevoir ou non du destinataire un droit d'encaissement peu élevé, n'excédant pas 5 cents (25 centimes), mais ce droit ne doit pas être déduit du montant du remboursement qui doit être payé à l'expéditeur.

2. The country effecting delivery of a C. O. D. parcel may at its option collect a reasonable amount, not in excess of 5 cents (25 centimes), from the addressee as a collection charge, but this amount is not to be deducted from the collection charges which are remitted to the sender.

## Examination of contents of C. O. D. parcel restriction.

3. L'examen par le destinataire du contenu d'un colis grevé de remboursement est interdit avant que les droits de remboursement et tous les autres droits qui pourraient être dus soient encaissés, et ce malgré la demande que l'expéditeur ou le destinataire pourrait faire.

3. Examination of the contents of a C. O. D. parcel by the addressee is prohibited until the C. O. D. charges and any other charges that may be due thereon have been collected even though the sender or addressee may make request that such action be permitted.

## ARTICLE XXXII.

## ARTICLE XXXII.

*Mandats de remboursement.**C. O. D. Money orders.*

## Advice lists.

1. Tout avis de mandat-poste émis dans l'un ou l'autre pays pour le paiement du remboursement grevant un colis, doit indiquer, d'une manière apparente, le numéro de remboursement (le numéro d'assurance) du colis et doit porter les lettres "C. O. D." ou le mot "Remboursement" dans un endroit bien visible.

1. Every advice of a money order, issued in either country in payment of C. O. D. charges on a parcel, must show plainly the C. O. D. (insured) number of the parcel and bear the letters "C. O. D." or the word "Remboursement" in a conspicuous position.

2. Les listes d'avis de mandats-poste de remboursement indiqueront, en plus des détails d'usage, le numéro de remboursement (le numéro d'assurance) des colis. Aucun mandat de remboursement ne figurera dans la liste à moins que le nom et l'adresse exacte de l'expéditeur et du bénéficiaire ne soient inclus.

2. The C. O. D. money order advice lists shall show, in addition to the usual details, the C. O. D. (insured) number of the parcels. No C. O. D. money order shall be listed unless the remitter's name and payee's name and exact address are included.

## ARTICLE XXXIII.

## ARTICLE XXXIII.

*Echange et inscription des colis sur les feuilles de route.**Exchange and billing of C. O. D. parcels.*

## Exchange and billing.

1. Les colis grevés de remboursement seront échangés par les bureaux désignés pour l'échange des colis assurés qui ne sont pas contre remboursement. Les échanges seront effectués dans les dépêches directes, dans des sacs ne contenant rien que les colis grevés de remboursement, les lettres "C. O. D." ou le mot "Remboursement" étant

1. Parcels with C. O. D. charges shall be exchanged through the offices appointed for the exchange of insured parcels without C. O. D. charges. The exchanges shall be effected in direct dispatches in sacks containing nothing but C. O. D. parcels, the letters "C. O. D." or the word "Remboursement" being entered conspicuously in the



inscrits d'une manière apparente sur les documents y afférents aussi bien que sur les étiquettes des sacs. Ces colis seront inscrits sur des feuilles de route différentes pour indiquer le numéro de remboursement, le bureau et le pays d'origine et le montant du remboursement de chaque colis.

2. A la réception d'une dépêche de colis contre remboursement, par le bureau d'échange du pays destinataire, la dépêche doit être vérifiée avec soin et traitée suivant l'article 8 du Règlement d'Exécution.

documents covering them, as well as on the labels of the sacks. Such parcels will be listed in separate bills to show, in respect to each parcel, the C. O. D. number, post office and state of origin, and the C. O. D. amount.

2. Upon receipt of a dispatch of C. O. D. parcels, at the exchange office of the country of destination, the dispatch must be carefully checked and otherwise treated as provided in Article 8 of the Regulations of Execution.

Check by exchange office of country of destination.

#### ARTICLE XXXIV.

#### ARTICLE XXXIV.

##### *Listes des mandats de remboursement.*

##### *Lists of C. O. D. money orders.*

Les bureaux de poste de New York et de Bruxelles I seront les seuls bureaux qui expédieront les listes de mandats de remboursement, et ces mandats seront inscrits sur la liste à part des mandats-poste ordinaires, qui devra porter l'annotation "Collect-on-delivery" ou "Remboursement".

The post offices of New York and of Brussels I shall be the only ones to send lists of C. O. D. money orders, and such money orders shall be listed separately from the ordinary money orders and the list shall be marked "Collect-on-delivery" or "Remboursement".

Post offices designated.

#### ARTICLE XXXV.

#### ARTICLE XXXV.

##### *Mandats de remboursements non-payables.*

##### *Unpayable money orders.*

1. Les mandats de remboursement qui ne seront pas payés au bénéficiaire, pour une cause quelconque, seront soumis au règlement de l'Administration du pays d'origine des colis auxquels les mandats appartiennent.

1. The C. O. D. money orders which have not been paid to the payee for any reason shall be subject to the disposition of the Administration of the country of origin of the parcels to which they relate.

Disposition of unpaid money orders.

2. Lorsqu'il apparaît que le service des colis expédiés contre remboursement a été utilisé pour favoriser une fraude, le paiement des mandats en question sera suspendu, s'il est possible, et les mandats seront traités suivant les dispositions de chaque cas et ce, en vertu des règles et ordonnances du pays d'origine des colis en question.

2. When it appears that the C. O. D. service was used in furtherance of a scheme to defraud, payment of the money orders in question will be withheld, if practicable, and the orders disposed of in accordance with the equities of each case under the rules and regulations of the country of origin of the C. O. D. parcels involved.

Use of service to defraud.

3. Quant aux autres formalités, les mandats de remboursement seront soumis aux règlements régissant l'échange des mandats-poste entre les deux pays intéressés.

3. As for other formalities, C. O. D. money orders shall be subject to the provisions governing the money order exchange between the two countries.

Provisions governing other formalities.

## ARTICLE XXXVI.

## ARTICLE XXXVI.

*Responsabilité des colis contre remboursement.* *Responsibility for C. O. D. parcels.*

## Responsibility.

1. Dans le cas où un colis assuré expédié contre remboursement a été perdu, spolié ou avarié, la responsabilité des Administrations sera celle prévue pour un colis assuré, qui n'est pas contre remboursement, conformément à l'article VII.

1. In case an insured C. O. D. parcel has been lost, rifled, or damaged the responsibility of the Administrations will be that provided for an insured parcel without C. O. D. charges, in conformity with the provisions in Article VII.

Delivery of parcel without collection of charges.

2. Lorsqu'un colis contre remboursement a été livré au destinataire, sans encaissement du montant du remboursement, l'expéditeur ou tout autre réclamanant qualifié, a droit à une indemnité correspondant au montant du remboursement non remis, pourvu qu'il ait formulé sa réclamation en temps voulu et à moins que la livraison sans encaissement des droits ne soit due à une faute ou à une négligence de l'expéditeur ou que le contenu du colis ne tombe sous le coup des interdictions prévues dans la transmission des dépêches de colis postaux.

2. When a C. O. D. parcel has been delivered to the addressee without collection of the amount of the C. O. D. charges, the sender or any other rightful claimant is entitled to an indemnity corresponding to the C. O. D. amount not remitted, provided that he has made his claim in due time and unless the delivery without collecting the charges has arisen from the fault or negligence of the sender or from the transmission of the contents in parcel-post mails being prohibited.

Collection of lower amount than full charge.

Ce règlement s'applique également si le montant encaissé du destinataire est inférieur au montant entier du remboursement.

This stipulation also applies in the case that a lower amount than the full C. O. D. charge is collected from the addressee.

Indemnity; limitation.

L'indemnité prévue dans le paragraphe ci-dessus ne pourra dépasser, en aucun cas le montant du remboursement.

The indemnity provided for in this section may not in any case exceed the C. O. D. amount.

Fixing of responsibility.

3. Quant à la détermination de la responsabilité et au paiement de l'indemnité, les règlements relatifs aux colis assurés qui ne sont pas expédiés contre remboursement seront applicables.

3. As to the fixing of the responsibility and the payment of the indemnity the same stipulations shall be applied as are provided for insured parcels not sent C. O. D.

Recovery of parcel for which indemnity has been paid.

4. Lorsqu'un colis expédié contre remboursement, pour lequel l'indemnité a été payée, est retrouvé, le bureau de livraison remettra le colis et encaissera le montant du remboursement. Il retiendra ledit montant et demandera des instructions à l'Administration dont il relève. Néanmoins, si le destinataire refuse d'accepter un colis retrouvé et de payer les droits, le bureau de livraison le retiendra et deman-

4. When a C. O. D. parcel for which indemnity has been paid is recovered, the delivering office will deliver the parcel and collect the charges, hold such amount and request instructions from the Administration to which his office is subordinate. If the addressee, however, refuses to accept a recovered parcel and pay the charges, the delivering office will hold it and seek instructions as to its disposition. In the latter case the

Refusal to accept parcel and pay charges.

dera des instructions quant à sa disposition. Dans ce cas, l'Administration qui a payé l'indemnité décidera du sort à réserver au colis en question.

Administration which paid the indemnity shall determine the disposition to be made of the parcel involved.

## ARTICLE XXXVII.

*Marques à mettre sur les colis expédiés contre remboursement.*

## ARTICLE XXXVII.

*Marking of C. O. D. parcels.*

Chaque colis contre remboursement et les bulletins d'expédition y afférents doivent porter, du côté de l'adresse, l'impression bien visible d'un timbre ou d'une étiquette portant les mots "Collect-on-delivery" ou "C. O. D." ou "Remboursement". A côté de ces mots le numéro du colis, qui sera également le numéro d'assurance, doit être indiqué. De même, il y a lieu d'inscrire à cet endroit, en caractères latins, en toutes lettres et en chiffres arabes, le montant exact du remboursement qui ne comprendra pas les taxes de mandat-poste additionnelles perçues dans le pays qui délivre le colis pour l'envoi du mandat à l'expéditeur dans le pays d'origine.

Each C. O. D. parcel and the relative dispatch note must bear, on the address side, the conspicuous impression of a stamp or label reading "Collect-on-delivery" or "C. O. D." or "Remboursement". Beside these words there must appear the number given the parcel which shall be the insurance number. Moreover, there must be entered in this space in Roman letters written in full and in Arabic figures, the exact amount of the collect-on-delivery charges which should not include the additional money order fees collected in the country making delivery of the parcel for making remittance to the sender in the country of origin.

Marking requirements.

## ARTICLE XXXVIII.

*Réexpédition. Retrait.*

## ARTICLE XXXVIII.

*Redirection. Recall.*

1. Sauf arrangement contraire, les colis contre remboursement ne seront pas réexpédiés à un tiers pays.

2. L'expéditeur d'un colis contre remboursement peut le faire retirer en remplissant les formules qui sont établies à cet effet par le pays d'origine.

1. Unless mutually otherwise agreed, C. O. D. parcels shall not be reforwarded to a third country.

2. The sender of a C. O. D. parcel may cause it to be recalled upon complying with such requirements as may be established in this connection by the country of origin.

Redirection.

Recall.

## ARTICLE XXXIX.

*Non-livraison.*

Si son colis expédié contre remboursement ne peut pas être délivré à l'adresse indiquée, l'expéditeur peut demander qu'il en soit disposé comme d'un colis non grevé de frais de remboursement et suivant l'article XXIV.

## ARTICLE XXXIX.

*Non-delivery.*

In case his C. O. D. parcel is undeliverable as addressed, the sender may provide for other disposition to be made of it, the same as in the case of parcels without trade charges and as stipulated in Article XXIV.

Disposition of undeliverable parcels.

## ARTICLE XL.

## ARTICLE XL.

*Suspension temporaire de services. Temporary suspension of services.*

Temporary suspension of services.

Chacune des deux Administrations peut suspendre temporairement le service des colis postaux, en totalité ou en partie, lorsqu'il existe des raisons spéciales pour le faire, ou restreindre ce service à certains bureaux, mais à la condition que l'autre Administration ait été informée de cette mesure à l'avance, au besoin par télégraphe.

When there are special reasons for doing so, either Administration may suspend temporarily the parcel post service, in whole or in part, or restrict it to certain offices, but on condition that the other Administration be informed of this measure in advance, if necessary by telegraph.

## ARTICLE XLI.

## ARTICLE XLI.

*Exécution du service par la Société Nationale des Chemins de fer belges. Execution of the service by the Société Nationale des Chemins de fer belges.*

Reservation by Belgium.

L'Administration des Postes de Belgique se réserve le droit de faire exécuter les clauses du présent Arrangement par la Société Nationale des Chemins de fer belges.

The Administration of Posts of Belgium reserves the right to have the provisions of the present Agreement executed by the Société Nationale des Chemins de fer belges.

## ARTICLE XLII.

## ARTICLE XLII.

*Questions non réglées par l'Arrangement. Matters not provided for in the Present Agreement.*

Matters not herein provided for.

1. Toutes les questions concernant les demandes de retrait ou de changement d'adresse de colis, l'obtention et le sort d'avis de réception pour les colis assurés et le règlement des demandes d'indemnité, qui ne sont pas traitées dans le présent Arrangement sont soumises aux dispositions de la Convention de l'Union postale Universelle et de son Règlement d'Exécution et de la Convention relative aux mandats-poste en vigueur entre les deux pays dans la mesure où celles-ci sont applicables et non incompatibles avec les dispositions précédentes. Enfin, à défaut d'autres dispositions, la législation intérieure des Etats-Unis d'Amérique ou de la Belgique, ou les décisions prises par l'un ou l'autre des pays, sont applicables dans le pays respectif.

1. All questions concerning requests for recall or change of address of parcels, the obtaining and disposition of return receipts, and the settlement of claims for indemnity for insured parcels, which are not provided for in this Agreement, shall be subject to the provisions of the Universal Postal Union Convention and its Regulations of Execution and of the Agreement concerning Money Orders in force between the two countries, in so far as they are applicable and are not contrary to the foregoing provisions. If the case is not provided for at all, the domestic legislation of the United States of America or of Belgium, or the decisions made by one country or the other, are applicable in the respective country.

Universal Postal Convention, etc., to govern.  
49 Stat. 2741.

Details to be fixed by common consent.

2. Les détails relatifs à l'application du présent Arrangement

2. The details relative to the application of the present Agree-

seront fixés par les deux Administrations dans un Règlement d'Exécution dont les dispositions pourront être modifiées ou complétées de commun accord par voie de correspondance.

3. Les deux Administrations se communiqueront réciproquement leurs lois, ordonnances et tarifs applicables au transport des colis postaux, ainsi que toutes les modifications de taxes qui y seraient introduites dans la suite.

ment will be fixed by the two Administrations in Regulations of Execution, the provisions of which may be modified or completed by common consent by way of correspondence.

3. The two Administrations notify each other mutually of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as of all modifications in rates which may be subsequently made.

Mutual notice of postal laws, etc.

### ARTICLE XLIII.

#### *Durée de l'Arrangement.*

1. Cet Arrangement remplace et abroge le Convention du 19 novembre 1904, ainsi que l'Arrangement additionnel du 30 mars 1922.

2. Il entrera en vigueur à partir de la date où l'Arrangement sera ratifié, et en attendant, les opérations qui y sont prévues commenceront à une date fixée de commun accord entre les Administrations des deux pays.

3. Il demeurera en vigueur jusqu'à ce que l'une des deux Administrations contractantes ait notifié à l'autre, six mois à l'avance, son intention d'y mettre fin.

Fait en double exemplaire et signé à Washington, le 5<sup>me</sup> jour de janvier 1939.

*Le Postmaster General des États-Unis d'Amérique.*

*Ambassadeur de Belgique.*  
[SEAL] R. V. STRATEN

### ARTICLE XLIII.

#### *Duration of the Agreement.*

1. This Agreement substitutes and abrogates the Convention of the 19th of November 1904 and the additional Agreement of the 30th of March 1922.

2. It will become effective on the date of ratification and pending ratification, the operations contemplated thereunder will commence on a date fixed by mutual consent of the Administrations of the two countries.

3. It will remain in force until one of the two contracting Administrations has notified the other, six months in advance, of its intention to abrogate it.

Done in duplicate and signed at Washington, the 5th day of January 1939.

Designated Convention and Agreement superseded.  
33 Stat. 2291.

Effective date.

Duration.

Signatures.

[SEAL] JAMES A FARLEY  
*The Postmaster General of the United States of America.*

*Belgian Ambassador.*

The foregoing Agreement between the United States of America and Belgium for the exchange of parcels by parcel post has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]  
By the President,  
CORDELL HULL

*Secretary of State.*  
WASHINGTON, January 11, 1939.

FRANKLIN D ROOSEVELT

Approval by the President.

Règlement d'Exécution de  
l'Arrangement concernant l'Échange des  
Colis Postaux  
conclu entre  
la Belgique et  
les États-Unis d'Amérique.

Regulations of Execution for  
the Agreement concerning the Exchange  
of Parcel Post  
concluded between  
Belgium and  
the United States of America.

Detailed regula-  
tions.

Le Règlement détaillé suivant pour l'exécution de cet Arrangement a été arrêté par les Administrations des États-Unis d'Amérique et de la Belgique.

The following Detailed Regulations for the execution of this Agreement have been agreed upon by the Administrations of the United States of America and of Belgium.

ARTICLE 1.

*Limites de poids et de dimensions.*

Limits of weight  
and size.

Les colis échangés sous les dispositions de cet Arrangement ne peuvent excéder le poids de 20 kilogrammes (44 livres) ni la longueur de 1 m. 25 (4 pieds) en tous sens ni avoir un volume supérieur à 55 décimètres cubes (2 pieds cubes).

Les limites de poids et de dimensions indiquées ci-dessus peuvent être changées de temps en temps d'un commun accord par correspondance.

ARTICLE 1.

*Limits of weight and size.*

Parcels exchanged under the provisions of this Agreement may not exceed 44 pounds (20 kilograms) in weight nor 4 feet (1.25 meters) in length nor have a volume greater than 2 cubic feet (55 cubic decimeters).

The limits of weight and size stated above may be changed from time to time by agreement made through correspondence.

ARTICLE 2.

*Conditionnement des colis.*

Preparation of par-  
cels.

1. Le nom et l'adresse de l'expéditeur ainsi que celle du destinataire doit être écrite lisiblement et correctement en caractères latins sur le colis même dans tous les cas où cela est possible, ou sur une étiquette attachée solidement au colis. Il est recommandé d'insérer dans tous les colis une copie de l'adresse notamment lorsqu'il s'agit de colis munis simplement d'une étiquette en raison de leur forme ou de leurs dimensions.

Les colis dont les expéditeurs ou les destinataires sont désignés par des initiales ne sont acceptés que lorsque les initiales représentent la raison sociale adoptée par l'expéditeur ou par le destinataire.

Les adresses au crayon ne sont pas admises; toutefois, sont acceptés les colis dont l'adresse est écrite au crayon indélébile sur une surface préalablement humectée.

ARTICLE 2.

*Preparation of parcels.*

1. The name and address of the sender and of the addressee must be written, legibly and correctly in Roman letters on the parcel itself if possible, or on a label securely affixed to the parcel. It is recommended that a copy of the address be inserted in every parcel, especially when the use of a tag for the address is rendered necessary by the packing or form of the parcel.

Parcels on which the name of the sender or of the addressee is indicated by initials are admitted only when the initials are the adopted trade name of the sender or addressee.

Addresses in pencil are not admitted; however, addresses written in indelible pencil on a previously dampened surface are accepted.

2. Tout colis doit être emballé de manière à préserver le contenu pendant toute la durée du transport, et à éviter que le contenu puisse détériorer les autres colis ou objets, ou blesser les agents des postes. L'emballage doit protéger suffisamment le contenu du colis pour qu'en cas de spoliation, les traces puissent en être aisément découvertes.

Les colis assurés doivent obligatoirement être fermés et scellés au moyen de cachets à la cire, de plombs ou autrement. Le cachetage (ou le plombage) des colis ordinaires est facultatif ou un ficelage soigneux suffit comme moyen de fermeture. L'une ou l'autre des Administrations peut exiger qu'une empreinte ou marque spéciale uniforme de l'expéditeur figure sur les cachets ou les plombs comme mesure de sécurité.

L'Administration des douanes a le droit d'ouvrir les colis. A cet effet, elle peut rompre les cachets ou toute autre fermeture du colis. Dans ce cas, ces colis doivent être refermés, et, si c'est nécessaire, recachetés à l'aide de cachets officiels, après la vérification.

3. Chaque colis assuré doit être revêtu sur l'adresse du colis du numéro d'assurance du colis et d'une étiquette portant la mention "Valeur déclarée" ou "Insured" ou ces mots doivent être écrits ou empreints sur le colis.

4. Pour les colis assurés, la déclaration de la valeur doit être exprimée dans la monnaie du pays d'origine sur le colis et le bulletin d'expédition, en caractères latins, en toutes lettres et en chiffres arabes.

Le montant de la déclaration de valeur doit être converti en francs-or et le résultat de la conversion doit être indiqué par de nouveaux chiffres placés à côté ou au-dessous de ceux qui représentent le montant de la déclaration dans la monnaie du pays d'origine.

En outre, le poids exact de chaque colis doit être inscrit par l'Administration d'origine sur l'adresse du colis et sur le bulletin d'expédition, à la place à ce réservée.

2. Each parcel must be packed in such a way that the contents are protected over the whole route, and in such a way that the contents may not damage other parcels or objects or injure postal agents. The packing must protect the contents sufficiently that, in case of rifling, the traces thereof may be easily discovered.

Insured parcels must be sealed by means of wax, lead, or other seals. Ordinary parcels may be sealed at the option of the sender, or careful tying is sufficient as a means of closing. As a protective measure, either Administration may require that a special imprint or mark of the sender appear on the wax or lead seals closing insured parcels.

The Customs Administration of the country of destination is authorized to open the parcels. To this end, the seals or any other fastenings may be broken. In such case, these parcels must be refastened and also officially resealed after inspection.

3. Each insured parcel must bear on the address side an insurance number and must bear a label with the words "Insured" or "Valeur déclarée", or these words must be marked or stamped on the parcel.

4. In case of insured parcels, the amount of insured value must appear, in currency of the country of origin, on the parcel and on the dispatch note, in Roman letters spelled out in full and in Arabic figures.

The amount of the insured value must be converted into gold francs and the result of the conversion is to be shown by new figures placed beside or below those representing the amount of insured value in the currency of the country of origin.

In addition, the exact weight of each parcel must be written by the Administration of origin on the address side of the parcel and on the dispatch note in the place reserved for this purpose.

5. Les étiquettes et les timbres-poste apposés sur les colis assurés doivent être espacés de façon à ne pas pouvoir cacher des lésions de l'emballage; ils ne doivent pas, non plus, être repliés sur les deux faces de l'emballage de manière à couvrir la bordure.

6. Les liquides et les corps facilement liquéfiables doivent être emballés dans un double récipient. Entre le premier (bouteille, flacon, boîte, etc.) et le second (boîte en métal, en bois résistant, en carton ondulé solide ou en fibre de bois solide, ou tout autre récipient de résistance équivalente), il doit être ménagé un espace rempli de sciure de bois, de son ou de toute autre matière absorbante, en quantité suffisante pour absorber tout le liquide, si le récipient vient à être brisé.

7. Les poudres et les teintures en poudre doivent être contenues dans des boîtes en fer-blanc résistant ou en autre métal, hermétiquement fermées et scellées, placées à leur tour dans un deuxième étui extérieur solide de manière à éviter tout dommage aux autres objets.

5. The labels and postage stamps placed on the insured parcels must be spaced so that they cannot conceal injuries to the packing. Neither may they be folded over two faces of the wrapping so as to cover the edge.

6. Liquids and easily liquefiable substances must be sent in a double receptacle. Between the first (bottle, flask, box, etc.) and the second (box of metal, strong wood, strong corrugated cardboard or fibreboard, or receptacle of equal strength), there must be left a space filled with sawdust, bran, or other absorbent material, in sufficient quantity to absorb all the liquid in case the receptacle is broken.

7. Powders and dyes in powder form must be packed in strong boxes of tin or other metal, hermetically closed and sealed and placed in turn in a second substantial outer cover in such a way as to avoid all damage to other articles.

#### ARTICLE 3.

##### *Bulletins d'expédition et déclarations en douane.*

1. L'expéditeur établira pour chaque colis à destination des Etats-Unis d'Amérique une déclaration en douane et pour chaque colis à destination de la Belgique deux déclarations en douane sur formule spéciale prévue à cet effet par le pays d'origine.

Les déclarations en douane doivent donner la description générale du colis, l'indication exacte et détaillée du contenu et de sa valeur, la date de dépôt, le poids réel, et porter la signature et l'adresse de l'expéditeur, ainsi que le nom et l'adresse du destinataire, et elles doivent être attachées solidement aux colis.

Toutefois, par dérogation à ce qui précède, l'établissement d'une seule déclaration en douane pour colis destinés aux Etats-Unis et de deux déclarations en douane pour colis destinés à la Belgique peu-

#### ARTICLE 3.

##### *Dispatch notes and customs declarations.*

1. The sender shall prepare one customs declaration for each parcel destined for the United States of America and two customs declarations for each parcel destined for Belgium, on a special form provided for the purpose by the country of origin.

The customs declarations must give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, actual weight, the sender's name and address, and the name and address of the addressee and shall be securely attached to the parcel.

However, as an exception to the foregoing, the use of only one customs declaration for parcels sent to the United States and two declarations for parcels sent to Belgium may serve for a single

Customs declarations.



vent servir pour un envoi de colis ordinaires (non-assurés) envoyés par le même expéditeur au même destinataire au même moment. Ces déclarations en douane indiqueront, outre les détails prévus au paragraphe qui précède, le nombre total des colis que comprend l'envoi, et elles seront attachées solidement à un des colis. Les colis formant le même envoi porteront, de manière évidente, un numéro fractionnaire dont le numérateur doit indiquer en chiffres arabes, le numéro du colis et dont le dénominateur doit indiquer le montant des colis comprenant la consignment; par exemple, si un envoi comprend 15 colis, chaque colis doit être numéroté, respectivement, 1/15, 2/15, 3/15, etc.

2. L'expéditeur établira également un bulletin d'expédition conforme aux formules en usage dans le pays d'origine pour chaque colis ou pour chaque envoi de plusieurs colis ordinaires émanant du même expéditeur destinés à la même personne et déposés au même moment.

3. Les Administrations n'assument aucune responsabilité pour l'inexactitude des indications portées sur les déclarations en douane, ou sur la partie du bulletin d'expédition remplie par le public.

#### ARTICLE 4.

##### *Avis de réception.*

1. Lorsqu'il est demandé un avis de réception, l'expéditeur ou le bureau d'origine porte sur le colis, la mention "Avis de réception" ou simplement les lettres "A. R." Le bureau d'origine ou tout autre bureau désigné par l'Administration expéditrice, établit un avis de réception et le fixe au colis. Si l'avis ne parvient pas au bureau de destination, celui-ci établit d'office un nouvel avis de réception.

2. Le bureau de destination, après avoir complété la formule en question, la renvoie, à découvert et en franchise, à l'adresse de l'expéditeur du colis.

consignment of any number of uninsured parcels sent by the same sender to the same addressee at the same time. In this case the customs declarations shall show, in addition to the particulars set forth in the preceding paragraph, the total number of parcels comprising the shipment, and shall be securely attached to one of the parcels. The parcels comprising the entire shipment shall be clearly marked in such case with a fractional number, the numerator of which will indicate, in Arabic figures, the number of the parcel, and the denominator the number of parcels comprising the shipment; for example, if a single shipment were composed of 15 parcels, each parcel would be numbered respectively, 1/15, 2/15, 3/15, etc.

2. The sender shall also prepare one dispatch note in accordance with the forms in use in the country of origin for each parcel or for each consignment of several ordinary parcels sent from the same sender to the same person and mailed simultaneously.

3. The Administrations accept no responsibility for the incorrectness of the information on the customs declarations or on that part of the dispatch notes which is filled in by the public.

#### ARTICLE 4.

##### *Return receipts.*

1. When a return receipt is requested, the sender or the office of origin places on the parcel the words "Avis de réception" or simply the letters "A. R." The office of origin or any other office appointed by the dispatching Administration shall fill out a return receipt form and attach it to the parcel. If the form does not reach the office of destination, that office makes out a duplicate.

2. The office of destination, after having completed the return receipt form, returns it free of postage to the address of the sender of the parcel.

Dispatch notes.

Return receipts.

3. Lorsque l'expéditeur demande un avis de réception postérieurement au dépôt du colis, le bureau d'origine remplit régulièrement une formule d'avis de réception, tout en y attachant une formule de réclamation pourvue des détails relatifs à l'expédition du colis, et la transmet au bureau de destination du colis. En cas de remise régulière du colis, le bureau de destination retire la formule de réclamation, et l'avis de réception est traité de la manière prescrite au paragraphe précédent.

3. When the sender applies for a return receipt after a parcel has been mailed, the office of origin duly fills out a return receipt form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel and then forwards it to the office of destination of the parcel. In the case of the due delivery of the parcel, the office of destination withdraws the inquiry form, and the return receipt is treated in the manner prescribed in the foregoing Section.

#### ARTICLE 5.

##### *Récipients.*

##### *Receptacles.*

1. Les Administrations des deux pays contractants fournissent les sacs nécessaires à l'expédition de leurs colis et chaque sac doit être marqué de façon à indiquer le nom du bureau ou du pays auquel il appartient.

2. Les sacs doivent être renvoyés vides au bureau expéditeur par le plus prochain courrier. Les sacs vides seront réunis par paquets de dix (9 sacs renfermés dans un dixième sac). Le nombre total de ces sacs sera indiqué sur les feuilles de route respectives.

3. Au cas où dix pour cent du nombre total des sacs utilisés pendant une année n'a pas été renvoyé, la valeur des sacs manquants doit être remboursée à l'Administration d'origine.

1. The postal Administrations of the two contracting countries shall provide the bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.

2. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. In case ten per cent of the total number of bags used during the year have not been returned, the value of the missing bags must be repaid to the Administration of origin.

#### ARTICLE 5.

##### *Receptacles.*

#### ARTICLE 6.

##### *Mode d'échange des colis.*

##### *Method of exchange of parcels.*

1. Les colis seront échangés, dans des sacs dûment fermés et cachetés, par les bureaux désignés à la suite d'un accord entre les Administrations, et seront expédiés sur le pays de destination, par le pays d'origine, à ses frais et par les moyens dont il dispose.

Le poids de chaque sac ne doit pas dépasser 50 kilogrammes.

2. Les colis assurés sont insérés dans des sacs distincts de ceux qui contiennent les colis ordinaires;

#### ARTICLE 6.

##### *Method of exchange of parcels.*

1. The parcels shall be exchanged, in sacks duly fastened and sealed, by the offices appointed by agreement between the two Administrations, and shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.

The weight of each sack may not exceed 50 kilograms.

2. Insured parcels shall be enclosed in separate sacks from those in which ordinary parcels are con-

les étiquettes des sacs contenant des colis assurés sont marquées d'un signe distinctif dont les Administrations pourront de temps en temps convenir éventuellement.

tained, and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

## ARTICLE 7.

## ARTICLE 7.

*Inscription des colis sur les feuilles de route.*

*Entry of parcels on the parcel bills.*

1. Les colis avec valeur déclarée et les colis ordinaires sont inscrits sur des feuilles de route distinctes. Les feuilles de route sont établies en double expédition. L'original est envoyé dans les dépêches régulières et le duplicata est inséré dans l'un des sacs. Le sac contenant la feuille de route est désigné par la lettre "F" tracée d'une manière apparente sur l'étiquette.

1. Insured and ordinary parcels are entered on separate parcel bills. The parcel bills are prepared in duplicate. The original is sent in the regular mails while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F" traced in a conspicuous manner on the label.

Entry of parcels on parcel bills.

2. Les colis ordinaires compris dans chaque dépêche envoyée aux Etats-Unis d'Amérique sont inscrits sur les feuilles de route par la seule mention du nombre total des colis et de leur poids net total.

2. The ordinary parcels included in each dispatch sent to the United States of America are entered on the parcel bills to show the total number of parcels and the total net weight thereof.

Les colis ordinaires compris dans chaque dépêche à destination de la Belgique sont inscrits sur les feuilles de route par la seule indication de leur nombre total pour chacune des coupures de poids suivantes:

The ordinary parcels included in each dispatch sent to Belgium are entered on the parcel bills to show their total number for each of the following divisions of weight:

- a) jusqu'à 2 livres (1 kg.)
- b) au-dessus de 2 livres et jusqu'à 11 livres (5 kgs.)
- c) au-dessus de 11 livres et jusqu'à 22 livres (10 kgs.)
- d) de plus de 22 livres, mais ne dépassant pas 33 livres (15 kgs.)
- e) de plus de 33 livres, mais ne dépassant pas 44 livres (20 kgs.)

- (a) up to 2 pounds (1 kg.)
- (b) over 2 and up to 11 pounds (5 kgs.)
- (c) over 11 and up to 22 pounds (10 kgs.)
- (d) over 22 but not exceeding 33 pounds (15 kgs.)
- (e) over 33 but not exceeding 44 pounds (20 kgs.)

3. Les colis assurés sont inscrits individuellement sur les feuilles de route de façon à comprendre le numéro d'assurance du colis ainsi que le nom du bureau d'origine.

3. Insured parcels are entered individually in the parcel bills. The entry for each parcel comprises the insurance number of the parcel as well as the name of the office of origin.

Pour les colis envoyés aux Etats-Unis, le poids net total de tous les colis doit aussi être indiqué. Pour les colis envoyés à la Belgique, on doit également procéder de la même manière que pour les colis ordinaires, en ce qui concerne l'indication relative à la coupure de poids.

For parcels sent to the United States, the total net weight of all the parcels must also be shown. For parcels sent to Belgium, the indication relative to the division of weight must also be entered, as in the case of ordinary parcels.

4. Les colis envoyés à découvert doivent être inscrits séparément sur les feuilles de route.

5. Les colis en retour ou réexpédiés doivent être inscrits individuellement sur les feuilles de route et l'inscription est suivie de la mention "en retour" ou "Réexpédié", selon le cas. Il y a lieu d'indiquer éventuellement, dans la colonne "Observations", les frais pouvant grever ces colis.

6. Le nombre total des sacs dont se compose chaque envoi doit être indiqué aussi sur les feuilles de route.

7. Chaque bureau d'échange expéditeur doit numérotter les feuilles de route au coin supérieur gauche, en commençant tous les ans une nouvelle série pour chacun des bureaux d'échange destinataires. Le dernier numéro de l'année précédente doit être mentionné sur la feuille d'envoi de la première dépêche de l'année suivante.

8. Le mode exact d'inscription des colis ou des réceptacles qui les contiennent, envoyés en transit, par l'une des Administrations à l'autre ainsi que tous les détails des opérations à effectuer au sujet du mode d'inscription de ces colis ou de ces dépêches, et pour lesquels il n'est rien prévu ci-dessus, seront réglés d'un commun accord et par correspondance, par les deux Administrations.

4. Parcels sent in open mail must be entered separately in the parcel bills.

5. Returned or reforwarded parcels must be entered individually in the parcel bills, and the entry is followed by the word "Returned" or "Redirected" as the case may be. Also, any charges due on these parcels should be indicated in the "Observations" column.

6. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

7. Each dispatching exchange office must number the parcel bills in the upper left-hand corner, beginning every year a new series for each exchange office of destination. The last number of the preceding year must be indicated on the parcel bill of the first dispatch of the following year.

8. The exact method of entering parcels or the receptacles containing them sent in transit by one Administration to the other, as well as all details of procedure in connection with the method of entering such parcels or such dispatches, for which no provision is made above, will be decided upon by mutual consent through correspondence by the two Administrations.

#### ARTICLE 8.

##### *Vérification par les bureaux d'échange.*

Verification by exchange office.

1. A la réception d'un envoi, le bureau d'échange destinataire procède à la vérification des colis et des divers documents qui les accompagnent. Si l'un des colis manque ou s'il est constaté des erreurs ou des omissions sur la feuille de route, il opère immédiatement les rectifications nécessaires en ayant soin de biffer les indications erronées, de manière à laisser reconnaître les inscriptions primitives. Ces rectifica-

#### ARTICLE 8.

##### *Verification by the exchange office.*

1. On receipt of a parcel mail, the office of exchange of destination proceeds to check the parcels and the various documents which accompany them. If a parcel is missing or if the exchange office detects errors or omissions on the parcel bill, it immediately makes the necessary corrections, taking care to strike out the incorrect entries in such a way as to leave the original entries legible. These corrections are made by two offi-

tions s'effectuent avec le concours de deux agents. A moins d'une erreur évidente, elles prévalent sur la déclaration originale.

Un bulletin de vérification est, en outre, dressé par le bureau destinataire et envoyé sans délai, en double expédition, au bureau d'échange expéditeur.

S'il est constaté une erreur ou une irrégularité à la réception d'une dépêche, toutes les pièces pouvant servir de preuves à l'appui en vue de recherches ultérieures ou de l'examen de demandes d'indemnité doivent être conservées.

2. Le bureau d'échange expéditeur auquel sont adressés les bulletins de vérification les renvoie le plus promptement possible après les avoir examinés et y avoir mentionné ses observations, s'il y a lieu. Ces bulletins sont ensuite annexés aux feuilles de route qu'ils concernent. Les corrections faites sur une feuille de route et non appuyées des pièces justificatives sont considérées comme nulles.

3. Si c'est nécessaire, le bureau d'échange expéditeur peut également être avisé par télégramme, aux frais de l'Office qui envoie ce télégramme.

4. En cas de manquant d'une feuille de route, il en est établi un duplicata dont une copie est envoyée au bureau d'échange expéditeur de l'envoi.

5. Le bureau d'échange qui reçoit d'un bureau correspondant un colis insuffisamment emballé ou avarié doit y donner cours après l'avoir emballé de nouveau, s'il y a lieu, en conservant autant que possible l'emballage primitif.

Si l'avarie est telle que le contenu de l'envoi a pu être soustrait, le bureau doit procéder d'abord à l'ouverture d'office du colis et à la vérification de son contenu.

Dans les deux cas, le poids du colis doit être constaté avant et après le nouvel emballage et indiqué sur l'enveloppe même du colis. Cette indication est suivie de la mention "Remballé à . . . ." et de la signature des agents ayant effectué le remballage.

Except in case of obvious error, they are accepted in preference to the original statement.

A bulletin of verification is, in addition, prepared by the office of destination and sent without delay, in duplicate, to the dispatching exchange office.

If an error or irregularity is found upon receipt of a dispatch, all objects which may serve later on for investigations, or for examination of requests for indemnity, must be kept.

2. The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the Office sending such telegram.

4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must re-dispatch such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Repacked at . . . .", and the signature of the agents who have effected such repacking.

## ARTICLE 9.

*Bonifications.**Charges.*

1. Pour chaque colis (ordinaire ou assuré) échangé entre les deux pays contractants, l'Administration expéditrice bonifie un droit terminal sur les bases indiquées ci-après:

a) pour les colis provenant de la Belgique à destination des Etats-Unis d'Amérique, 70 centimes-or par kilogramme calculé sur le poids net global de chaque dépêche.

b) pour les colis provenant des Etats-Unis d'Amérique à destination de la Belgique. 60 centimes-or pour chaque colis n'excédant pas 1 kg. (2 livres).

90 centimes-or pour chaque colis au-dessus de 1 kg. mais n'excédant pas 5 kgs. (11 livres).

1.30 franc-or pour chaque colis au-dessus de 5 kgs. mais n'excédant pas 10 kgs. (22 livres).

1.80 franc-or pour chaque colis au-dessus de 10 kgs. mais n'excédant pas 15 kgs. (33 livres).

2.20 francs-or pour chaque colis au-dessus de 15 kgs. mais n'excédant pas 20 kgs. (44 livres).

De plus, pour chaque colis quelle que soit la valeur déclarée, l'Administration expéditrice bonifiera un droit terminal d'assurance de 10 centimes-or.

2. Dans le cas de colis provenant de la Belgique et expédiés aux Etats-Unis d'Amérique pour être transmis à l'une de ses possessions ou, en dépêches closes, à un tiers pays, l'Administration de la Belgique bonifiera à l'Administration des Etats-Unis, comme droit de transit, 70 centimes-or par kilogramme lorsque le transit a lieu par mer seulement; 1.15 franc-or par kilogramme lorsque le transit a lieu par terre seulement et 1.50 franc-or par kilogramme lorsque le transit s'effectue par mer et par terre, basé sur le poids net global de chaque dépêche. De plus, lorsqu'il s'agit de colis assurés, il sera payé un droit d'assurance de 10 centimes-or par colis (quelle que soit la valeur déclarée) pour

## ARTICLE 9.

*Charges.*

1. For each parcel (ordinary or insured) exchanged between the two contracting countries, the dispatching Administration shall pay a terminal credit as follows:

(a) for parcels originating in Belgium, addressed to the United States of America, 70 centimes gold per kilogram computed on the bulk net weight of each dispatch.

(b) for parcels originating in the United States of America, addressed to Belgium, 60 centimes gold for each parcel not exceeding 1 kg. (2 lbs.) in weight.

90 centimes gold for each parcel over 1 but not exceeding 5 kgs. (11 lbs.) in weight.

1.30 franc gold for each parcel over 5 but not exceeding 10 kgs. (22 lbs.) in weight.

1.80 franc gold for each parcel over 10 but not exceeding 15 kgs. (33 lbs.) in weight.

2.20 francs gold for each parcel over 15 but not exceeding 20 kgs. (44 lbs.) in weight.

In addition, for each insured parcel, regardless of its insured value, the dispatching Administration shall pay an insurance terminal credit of 10 centimes gold.

2. In the case of parcels originating in Belgium which are sent to the United States of America for onward dispatch to a possession of the latter country or, in closed mails, to a third country, the Administration of Belgium shall pay to the Administration of the United States as a transit credit 70 centimes gold per kilogram when only sea transit is provided; 1.15 franc gold per kilogram when only land transit is provided; and 1.50 franc gold per kilogram when both land and sea transit are provided, based on the bulk net weight of each dispatch. In addition, in the case of insured parcels, there shall be paid an insurance credit of 10 centimes gold per parcel (regardless of its

chaque transit effectué par mer ou par terre.

De même, pour les colis destinés aux possessions des Etats-Unis, l'Administration de la Belgique bonifiera à l'Administration des Etats-Unis, les droits terminaux indiqués ci-après, basés sur le poids net global de chaque dépêche:

Pour les colis destinés à l'Alaska, 70 centimes-or par kilogramme.

Pour les colis destinés à Porto Rico, les Iles Vierges, Guam, Samoa et Hawaï, 35 centimes-or par kilogramme.

De plus, pour chaque colis assuré, quelle que soit la valeur déclarée, il sera payé un droit terminal d'assurance de 10 centimes-or.

3. Pour les colis originaires des Etats-Unis d'Amérique qui sont expédiés en transit par la Belgique en destination du Congo belge et du Grand-Duché de Luxembourg, l'Administration des Etats-Unis d'Amérique paiera à l'Administration de Belgique les taxes figurant dans la colonne 7 du tableau C. P. 1 belge en regard de chacune de ces deux rubriques.

En outre, pour les colis avec valeur déclarée, l'Administration des Etats-Unis d'Amérique allouera à la Belgique:

1°. pour les colis à destination du Congo belge:

a) via Anvers - Banana, 0.25 franc-or pour une valeur déclarée non-supérieure à \$100. 0.40 franc-or pour une valeur déclarée supérieure à \$100.

b) via Anvers - Lobito, 0.30 franc-or pour une valeur déclarée non supérieure à \$100. 0.50 franc-or pour une valeur déclarée supérieure à \$100.

c) via Anvers - Egypte, 0.35 franc-or pour une valeur déclarée non supérieure à \$100. 0.60 franc-or pour une valeur déclarée supérieure à \$100.

d) via Alsace-Lorraine, Suisse, Italie, Egypte, 0.50 franc-or pour une valeur déclarée non supérieure à \$100. 0.90 franc-or pour une valeur déclarée supérieure à \$100.

insured value) for each land and sea transit involved.

Also, in the case of parcels for the possessions of the United States of America, the Administration of Belgium shall pay to the Administration of the United States the following terminal credits, based on the bulk net weight of each dispatch:

For parcels for Alaska, 70 centimes gold per kilogram.

For parcels for Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii, 35 centimes gold per kilogram.

In addition, for each insured parcel, regardless of its insured value, there shall be paid an insurance terminal credit of 10 centimes gold.

3. In the case of parcels originating in the United States of America which are sent in transit through Belgium for the Belgian Congo and the Grand Duchy of Luxembourg, the Administration of the United States of America will pay to the Administration of Belgium, the fees appearing in Column 7 of Belgian Form C. P. 1 relative to each of these two headings.

In addition, in the case of insured parcels, the Administration of the United States of America will allow to Belgium:

1st. for parcels for the Belgian Congo:

(a) via Anvers-Banana, 0.25 franc gold for a declared value not over \$100. 0.40 franc gold for a declared value over \$100.

(b) via Anvers-Lobito, 0.30 franc gold for a declared value not over \$100. 0.50 franc gold for a declared value over \$100.

(c) via Anvers-Egypt, 0.35 franc gold for a declared value not over \$100. 0.60 franc gold for a declared value over \$100.

(d) via Alsace-Lorraine, Switzerland, Italy, and Egypt, 0.50 franc gold for a declared value not over \$100. 0.90 franc gold for a declared value over \$100.

2°. pour les colis à destination du Grand Duché de Luxembourg, 0.15 franc-or pour une valeur déclarée non supérieure à \$100. 0.20 franc-or pour une valeur déclarée supérieure à \$100.

Les droits terminaux et de transit spécifiés ci-dessus peuvent être réduits ou majorés, sur préavis de 3 mois donné par un pays à l'autre. La réduction ou la majoration restera en vigueur pendant une durée d'un an au moins.

2nd. for parcels for the Grand Duchy of Luxembourg, 0.15 franc gold for a declared value not over \$100. 0.20 franc gold for a declared value over \$100.

The terminal charges and transit rates specified above may be reduced or increased on 3 months previous notice given by one country to the other. These reductions or increases shall hold good for at least one year.

#### ARTICLE 10.

##### *Règlement des comptes.*

##### *Accounting.*

1. Chaque Administration fera établir mensuellement par chacun de ses bureaux d'échange et pour tous les envois reçus des bureaux d'échange de l'autre Administration, un état, conforme au modèle CP 14 de l'Arrangement international, des sommes inscrites sur chaque feuille de route, soit à son crédit, soit à son débit. Ces états seront ensuite récapitulés par les soins de la même Administration dans un compte conforme au modèle CP 15 de l'Arrangement international.

2. Ce compte, accompagné des états mensuels, des feuilles de route et, le cas échéant, des bulletins de vérification y afférents, sera soumis à l'examen de l'Administration correspondante dans le courant du mois qui suivra celui auquel il se rapporte. Les comptes mensuels, après avoir été vérifiés et acceptés de part et d'autre, seront résumés dans un compte général trimestriel par les soins de l'Administration créditrice.

3. Le solde résultant de la balance des comptes réciproques entre les deux Administrations sera payé par l'Administration débitrice à l'Administration créditrice dans la monnaie de l'Administration créditrice, et au moyen de traites payables à vue sur la capitale ou sur une place commerciale du pays créancier, les frais de paiement restant à la charge de l'Administration débitrice.

#### ARTICLE 10.

##### *Accounting.*

1. Each Administration will prepare a statement monthly for each of its exchange offices covering all the dispatches received from the exchange offices of the other Administration, conforming to model CP 14 of the international Agreement, of the sums entered upon each parcel bill whether to its credit or to its debit. These statements will then be summarized by the same Administration in an account conforming to model CP 15 of the international Agreement.

2. This account accompanied by the monthly statements, the parcel bills, and the bulletins of verification pertaining thereto, if any, will be submitted for the examination of the other Administration in the course of the month following that to which it relates. The monthly accounts, having been verified and accepted by both parties, will be comprised in a general account every 3 months by the creditor Administration.

3. The balance resulting from the reciprocal accounts between the two Administrations will be paid by the debtor Administration to the creditor Administration in the currency of the creditor Administration by means of drafts payable at sight at the capital or a commercial city of that country, the cost of payment to be at the charge of the indebted Administration.



4. L'établissement, l'envoi et le paiement des comptes devront être effectués dans le plus bref délai possible et, au plus tard, avant l'expiration du trimestre suivant. Passé ce délai, les sommes dues par l'une des deux Administrations à l'autre seront productives d'intérêts à raison de 7% l'an, à dater du jour de l'expiration dudit délai.

4. The preparation, sending out, and payment of the accounts shall be effected in the shortest time possible and at the latest before the expiration of the following quarter. After this time, the sums due from one Administration to the other shall bear interest at 7% per annum, counting from the day of the expiration of the said period.

## ARTICLE 11.

*Notifications diverses.*

Les Administrations se communiqueront réciproquement un résumé de leurs lois ou règlements applicables aux colis échangés entre les deux pays contractants et des autres détails nécessaires pour l'exécution de l'échange des colis.

Le présent Règlement sera exécutoire à partir du jour de la mise en vigueur de l'Arrangement concernant les colis postaux et il aura la même durée que cet Arrangement.

Fait en double expédition et signé à Washington, le 5<sup>me</sup> jour de janvier 1939.

*Le Postmaster General  
des Etats-Unis d'Amérique.*

*Ambassadeur de  
Belgique.*

[SEAL]

R. v. STRATEN

The foregoing Regulations for the Execution of the Parcel Post Agreement between the United States of America and Belgium have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

By the President,  
CORDELL HULL  
*Secretary of State.*

WASHINGTON, January 11, 1939.

## ARTICLE 11.

*Miscellaneous notifications.*

The Administrations shall communicate to each other a summary of the provisions of their laws or regulations applicable to the parcels exchanged between the two contracting countries, and other items necessary for carrying out the exchange of parcels.

These Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement.

Done in duplicate and signed at Washington, the 5th day of January 1939.

[SEAL] JAMES A FARLEY  
*The Postmaster General of  
the United States of America.*

*Belgian Ambassador.*

Miscellaneous notifications.

Effective date and duration.

Signatures.

Approval by the President.

Ratification by Belgium.

Ratified by the King of the Belgians on March 21, 1939 as is evidenced by the autographed instrument of ratification in the files of the Post Office Department.

January 31, 1939

February 7, 1939

*Parcel post agreement between the Republic of Colombia and the United States of America. Signed at Bogotá January 31, 1939 and at Washington February 7, 1939; approved by the President February 14, 1939.*

**ACUERDO RELATIVO A ENCOMIENDAS POSTALES ENTRE LA REPÚBLICA DE COLOMBIA Y LOS ESTADOS UNIDOS DE NORTE AMÉRICA.**

**PARCEL POST AGREEMENT BETWEEN THE REPUBLIC OF COLOMBIA AND THE UNITED STATES OF AMERICA.**

Parcel post agreement with Colombia.  
50 Stat. 1696.

En uso de la facultad prevista por el artículo 1º, parágrafo 3, del Acuerdo Relativo a Encomiendas Postales, de la Unión postal de las Américas y España, el Departamento de Correos de los Estados Unidos de Norte América y el Ministerio de Correos y Telégrafos de la República de Colombia con el objeto de llegar a un convenio para la extensión del servicio de encomiendas postales para incluir el cambio de encomiendas con valor declarado y de encomiendas contra reembolso, han convenido en los siguientes artículos:

In the exercise of the option granted by Article 1, Section 3 of the Agreement Relative to Parcel Post of the Postal Union of the Americas and Spain, the Post Office Department of the United States of America and the Ministry of Posts and Telegraphs of the Republic of Colombia, for the purpose of concluding arrangements for the extension of the parcel-post service to include the exchange of insured and collection-delivery parcels have agreed upon the following articles:

**ARTÍCULO 1.**

**ARTICLE 1.**

*Declaración de valor.*

*Insurance.*

Maximum amount.

1. Las Administraciones de los Estados Unidos de Norte América, incluyandose Alaska, Hawaii, Puerto Rico, Guam, Samoa y las Islas Virgenes de los Estados Unidos, por una parte, y de la República de Colombia, por otra parte, convienen en realizar el servicio de encomiendas con valor declarado hasta el límite máximo de 500 francos oro o su equivalencia en moneda del país de origen, previo pago por el remitente de las tasas especiales suplementarias que cada uno de los mencionados países de origen establezca en su propia jurisdicción. Estos derechos suplementarios quedan a beneficio exclusivo de la Administración de origen.

1. The Administrations of the United States of America (including Alaska, Hawaii, Puerto Rico, Guam, Samoa, and the U. S. Virgin Islands) on one hand and of the Republic of Colombia on the other hand, agree to execute the service of parcels with an insured value up to the maximum limit of 500 gold francs or its equivalent in the currency of the country of origin, upon payment by the sender of such special additional fees as each of the countries of origin mentioned may establish in its own service. Such additional fees accrue in their entirety to the Administration of origin.

Special additional fees.

2. Las encomiendas que contengan piezas de moneda, metales preciosos, joyas o demás objetos preciosos, deberán obligatoriamente expedirse con valor declarado.

3. El remitente podrá declarar las encomiendas facultativamente por el valor total de su contenido o por una parte de tal valor solamente.

2. Parcels containing coin, precious metals, jewelry, or other precious articles must be sent insured.

3. Parcels may be insured for their total value or for only part of their total value, at the option of the sender.

Coin, jewelry, etc.

Optional insurance

## ARTÍCULO 2.

### *Indemnizaciones.*

1. Salvo los casos previstos en el artículo siguiente, las Administraciones responderán por la pérdida de las encomiendas con valor declarado depositadas en uno de los países contratantes para ser entregadas en el otro país y por la pérdida, expoliación o avería de su contenido o una parte de él.

El remitente o otra persona autorizada tendrá derecho a una indemnización que corresponda al monto efectivo de la pérdida, expoliación o avería. La indemnización se calculará de acuerdo con el valor efectivo (el precio corriente) de las mercaderías de la misma clase en el lugar y en la época en que las mismas hayan sido aceptadas para el transporte, siempre que la indemnización no podrá en ningún caso exceder del monto de que la encomienda fué asegurado y en que el derecho de seguro ha sido cobrado, o el monto máximo de 500 francos oro. A falta de precios corrientes, la indemnización se calculará de acuerdo con el valor ordinario de la mercancía evaluada sobre las mismas bases.

2. No se pagará ninguna indemnización por la avería indirecta ni por los beneficios no realizados que resulten de la pérdida, de la expoliación, de la avería, de la falta de entrega, de la entrega errónea, o de la demora de una encomienda con valor declarado expedida de acuerdo con las estipulaciones de este acuerdo.

## ARTICLE 2.

### *Indemnity.*

1. Except in the cases mentioned in the article following, the Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the loss, abstraction of, or damage to their contents, or a part thereof.

The sender, or other rightful claimant, is entitled to compensation corresponding to the actual amount of the loss, abstraction, or damage. The amount of indemnity is calculated on the basis of the actual value (current price, or, in the absence of current price, the ordinary estimated value) at the place where and the time when the parcel was accepted for mailing, provided in any case that the indemnity may not be greater than the amount for which the parcel was insured and on which the insurance fee has been collected, or the maximum amount of 500 gold francs.

Responsibility.

Indemnity

2. No indemnity is paid for indirect damages or loss of profits resulting from the loss, rifling, damage, non-delivery, misdelivery, or delay of an insured parcel dispatched in accordance with the conditions of the present agreement.

Indirect damages, etc.

Return of postage  
on loss of parcel.

3. En el caso de que hubiere de pagarse una indemnización por la pérdida de una encomienda o por la destrucción o expoliación completa de todo su contenido, el expedidor tendrá además derecho a la devolución de las tasas postales cuando las reclame. Sin embargo, los derechos de seguro no se devolverán en ningún caso.

3. In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the sender is entitled to return of the postal charges, if claimed. However, the insurance fees are not in any case returned.

Parcels originating  
in a third country.

4. A falta del acuerdo en contrario entre los países interesados (acuerdo que puede hacerse por correspondencia) no se pagará indemnización por la pérdida, la expoliación o la avería de encomiendas con valor declarado en tránsito, esto es, por las encomiendas con valor declarado originarias de uno de los dos países contratantes y destinadas a otros países que no participaren en este acuerdo, o por los envíos asegurados originarios de algún otro país que no participe en este acuerdo y destinados a uno de los dos países contratantes.

4. In the absence of special agreement to the contrary between the countries involved, which agreement may be made by correspondence, no indemnity will be paid by either country for the loss, rifling, or damage of transit insured parcels, that is, parcels originating in a country not participating in this agreement and destined for one of the two contracting countries or parcels originating in one of the two contracting countries and destined for a country not participating in this agreement.

Parcels destined for  
country not party to  
agreement.

Parcels reforwarded  
to or returned to a  
third country.

5. Cuando una encomienda originaria de un país destinada al otro país se reexpida desde el país de destinación primitiva a un tercer país o se devuelva a un tercer país, a solicitud del remitente o del destinatario, el reclamante autorizado tendrá derecho solamente a tal indemnización por cualquier pérdida, expoliación o avería que ocurra después de la reexpedición o devolución del envío por el país de su primitiva destinación, y que el país en donde ocurriere la pérdida, expoliación o avería deseara pagar o estuviere obligado a pagar de conformidad con algún acuerdo existente entre los países directamente interesados en la reexpedición o devolución. Cualquier país adherido a este acuerdo que indebidamente reexpida una encomienda con valor declarado a un tercer país, será responsable dentro de los mismos límites que el país de origen para con el remitente, quedando sujeto a las restricciones, fijadas por el presente acuerdo.

5. When an insured parcel originating in one country and destined to be delivered in the other country is reforwarded from there to a third country or is returned to a third country at the request of the sender or of the addressee, the party entitled to indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim, in such a case, only to the indemnity which the country where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present agreement.

Responsibility for  
error.

Defects in packing.

6. El remitente será responsable de los defectos en el embalaje y de la insuficiencia del cierre y de los sellos de las encomiendas con

6. The sender is responsible for defects in the packing and insufficiency in the closing and sealing of insured parcels. Moreover, the

valor declarado. Además, las dos Administraciones estarán exentas de toda responsabilidad en caso de pérdida, expoliación o avería que sea causada por defectos que no se noten en la época del depósito.

two Administrations are released from all responsibility in case of loss, rifling, or damage caused by defects not noticed at the time of mailing.

## ARTÍCULO 3.

## ARTICLE 3.

*Excepciones al principio de la responsabilidad.*

*Exceptions to the principle of responsibility.*

Las Administraciones estarán exentas de toda responsabilidad:

The Administrations are released from all responsibility:

(a) De las encomiendas cuyas destinatarios hayan aceptado la entrega sin reservas. En caso de las encomiendas dirigidas "en cargo", la responsabilidad cesará cuando ellas hayan sido entregadas al destinatario mencionado en primer término y su recibo haya sido obtenido.

(a) In case of parcels of which the addressee has accepted delivery without reservation. In the case of "in care" parcels, responsibility ceases when delivery has been made to the addressee first mentioned and his receipt has been obtained.

Parcels accepted without reservation.

"In care" parcels.

(b) En caso de la pérdida o avería debida a un caso de fuerza mayor.

(b) In case of loss or damage through force majeure.

Loss through force majeure.

(c) Cuando no puedan dar cuenta de las encomiendas por causa de la destrucción de los archivos debido a un caso de fuerza mayor, y siempre que la prueba de su responsabilidad no pueda comprobarse en cualquier otra forma.

(c) When, their responsibility not having been proved otherwise, they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

Destruction of official documents.

(d) Cuando el daño haya sido causado por falta o negligencia del remitente, del destinatario o del representante de uno u otro o provenga de la naturaleza del objeto.

(d) When the damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, or when it is due to the nature of the article.

Damage through fault of sender, addressee, etc.

(e) Cuando se trate de encomiendas que contengan los objetos prohibidos.

(e) For parcels which contain prohibited articles.

Prohibited articles.

(f) En caso de que el remitente de una encomienda con valor declarado, con la intención de defraudar pretende que el contenido valga más que su valor real; este artículo no podrá perjudicar ningún procedimiento judicial necesitado por la legislación del país de origen.

(f) In case the sender of an insured parcel, with intent to defraud, declares the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin.

Declaration above real value.

(g) Cuando se trate de encomiendas confiscadas por la aduana debido a falsa declaración de su contenido.

(g) For parcels seized by the Customs because of false declaration of contents.

Seizure because of false declaration.

(h) Cuando ninguna reclamación o aplicación de indemnización haya sido presentada por el interesado o por su representante dentro

(h) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with

Application, etc., for indemnity not made within a year.

de un año a contarse desde el día siguiente al de la imposición de la encomienda con valor declarado. the day following the posting of the insured parcel.

Matter of no intrinsic value, etc.

(i) De las encomiendas que contengan artículos de ningún valor intrínseco, o sujetos a descomposición o que no se conformaren a las estipulaciones de este acuerdo, o que no hubieren sido depositadas en la forma prescrita; pero el país responsable de la pérdida, expoliación o avería, puede pagar indemnización por dichas encomiendas, sin necesidad de recurso a la otra Administración.

(i) For parcels which contain matter of no intrinsic value, or perishable matter, or which did not conform to the stipulations of this agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

#### ARTÍCULO 4.

##### *Cese de la responsabilidad.*

Termination of responsibility.

Las Administraciones dejarán de ser responsables por las encomiendas cuya entrega hubieren efectuado en las condiciones prescritas por sus reglamentos internos para los envíos de la misma naturaleza.

Sin embargo, la responsabilidad se mantendrá cuando el destinatario o, en caso de devolución, el remitente, formule reservas al recibir una encomienda expoliada o averiada.

#### ARTICLE 4.

##### *Termination of responsibility.*

Administrations cease to be responsible for parcels of which they have effected delivery in accordance with their internal regulations for parcels of the same nature.

Responsibility is, however, maintained when the addressee or, in case of return, the sender makes reservations in taking delivery of a parcel the contents of which have been abstracted or damaged.

#### ARTÍCULO 5.

##### *Pago de la indemnización.*

Payment of indemnity.

La obligación de pagar una indemnización así como las tasas postales que deban restituirse, corresponderá a la Administración de la cual dependa la oficina expedidora de la encomienda, conservando dicha Administración el derecho de recurrir contra la Administración responsable. Sin embargo, en casos en donde la indemnización haya sido pagada al destinatario de acuerdo con el segundo párrafo del párrafo 1, artículo 2, corresponderá a la Administración destinataria.

#### ARTICLE 5.

##### *Payment of indemnity.*

The obligation to pay compensation, as well as the postage charges due to be refunded, rests with the Administration to which the office of origin of the parcel is subordinate. However, in cases where the compensation is paid to the addressee in accordance with Article 2, Section 1, second paragraph, the obligation shall rest with the Administration of destination. The paying Administration retains the right to make a claim against the Administration responsible.

#### ARTÍCULO 6.

##### *Plazo para el pago de la indemnización.*

Period for payment of compensation.

1. El pago de la indemnización deberá efectuarse al interesado lo más pronto posible, y a más tardar

#### ARTICLE 6.

##### *Period for payment of compensation.*

1. The payment of compensation for an insured parcel shall be made to the rightful claimant as

en el plazo de un año a partir del día siguiente al de la reclamación.

La Administración a la cual corresponda dicho pago, podrá posponerlo excepcionalmente más allá de este plazo, cuando a la expiración de ese plazo, no ha podido deslindarse la cuestión de la responsabilidad o de la disposición que se hubiere dado al artículo en cuestión.

2. Salvo los casos en donde se ha pospuesto el pago según las disposiciones del segundo párrafo del paragrafo precedente, la Administración postal que asume el pago de la indemnización estará autorizada para indemnizar al interesado por cuenta de la Administración que reglamentariamente requerida, ha dejado transcurrir nueve meses sin solucionar el asunto.

#### ARTÍCULO 7.

##### *Determinación de la responsabilidad.*

1. Hasta prueba en contrario, la responsabilidad corresponderá a la Administración que, habiendo recibido la encomienda sin observación alguna y estando en posesión de todos los medios reglamentarios de investigación, no pueda comprobar la disposición de la encomienda.

2. Cuando la pérdida, la expoliación o la avería de una encomienda con valor declarado sea descubierta al abrir el receptáculo en la oficina destinataria de cambio y haya sido señalado a la oficina de cambio expedidora, la responsabilidad corresponderá a la Administración de que dependa la oficina de cambio expedidora, a no ser que se compruebe que la irregularidad ha ocurrido en el servicio de la Administración destinataria.

3. Si la pérdida, expoliación o avería se produce en el curso del transporte, sin que fuere posible comprobar en el territorio o servicio de que país ocurrió el hecho, las Administraciones en causa soportarán el perjuicio por partes iguales.

soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

However, the Administration responsible for making payment may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

2. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes payment of compensation is authorized to pay indemnity on behalf of the Office which, after being duly notified of the application for indemnity, has let nine months pass without settling the matter.

#### ARTICLE 7.

##### *Fixing of responsibility.*

1. Until the contrary is proved, responsibility for an insured parcel rests with the Administration which, having received the parcel without making any reservations and being put in possession of all the regulation means of investigation, cannot establish the disposal of the parcel.

2. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office, and has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred in the service of the receiving Administration.

3. If the loss, rifling, or damage has taken place in the course of transportation, without its being possible to establish on the territory or in the service of which country the act took place, the Offices involved bear the loss in equal shares.

Deferred payment.

Payment of indemnity after 9 months delay; exception

Fixing of responsibility.

4. La Administración que hubiere efectuado el pago de la indemnización quedará subrogada, hasta concurrencia del monto de dicha indemnización, en los derechos de la persona que la hubiere recibido, para todo recurso eventual, ya fuere contra el destinatario, contra el remitente o contra terceros.

5. En caso de localización ulterior de una encomienda considerada como extraviada, la persona a quien se hubiere pagado la indemnización deberá ser avisada de que puede tomar posesión del envío contra la restitución del monto cobrado.

4. The Administration paying compensation takes over, to the extent of the amount paid, the rights of the person who has received it, in any action which may be taken against the addressee, the sender, or a third party.

5. If a parcel which has been regarded as lost is subsequently found, the person to whom compensation has been paid must be informed that he is at liberty to take possession of the parcel against repayment of the amount of compensation.

#### ARTÍCULO 8.

##### *Reembolso de la compensación.*

Repayment of compensation.

1. La Administración responsable de la pérdida, la expoliación o la avería o por cuenta de la cual se hubiere efectuado el pago estará obligada a reembolsar al país que haya efectuado el pago, dentro de un plazo de nueve meses a contar del envío de la notificación del pago, el monto de la indemnización efectivamente pagada.

2. El reembolso a la Administración acreedora se efectuará sin gastos para la misma, ya sea mediante un giro postal o cheque en moneda de curso legal en el país acreedor o por cualquier otro medio que se haya convenido mutuamente por correspondencia.

#### ARTÍCULO 9.

##### *Acondicionamiento de las encomiendas.*

Preparation of parcels.

1. Como en caso de las encomiendas ordinarias, el nombre y dirección del remitente y del destinatario deberá escribirse en caracteres claros y correctos sobre la misma encomienda o sobre un rótulo atado solidamente a esta última. En los casos de las encomiendas que llevan la dirección inscrita tan solo en el rótulo por razones de su forma o tamaño, el nombre y la dirección del

#### ARTICLE 8.

##### *Repayment of compensation.*

1. The Administration responsible for the loss, rifling, or damage and on whose account the payment is effected, is bound to repay the amount of the indemnity to the country which has effected payment. This reimbursement must take place without delay and, at the latest, within the period of nine months after notification of payment.

2. These repayments to the creditor Administration must be made without expense for that Office by money order or draft, in money valid in the creditor country, or in any other way to be mutually agreed upon by correspondence.

#### ARTICLE 9.

##### *Preparation of parcels.*

1. As in the case of ordinary parcels, the name and address of the sender and of the addressee must be legibly and correctly written in every case, on the parcel itself when possible, or on a label gummed thereto. In the case of parcels addressed by tag only, because of their shape or size, the name and address of the sender and of the addressee must also be written on a separate slip



remitente y destinatario deberán inscribirse, además, por separado, en una faja de papel que deberá incluirse dentro del envío aunque se recomendará incluir esas fajas también en toda clase del envío.

No se admitirán las encomiendas que estuvieren dirigidas con iniciales a menos de que esas iniciales correspondan o esten adoptadas como equivalentes de los nombres de los remitentes y destinatarios.

Los remitentes de encomiendas dirigidas a bancos u otras organizaciones similares, para ser luego entregadas a segundos destinatarios, declararán en las cubiertas de sus envíos los nombres exactos y las direcciones completas de las personas destinatarias.

No se admitirán direcciones escritas a lápiz; sin embargo, se aceptarán las encomiendas cuya dirección halle escrita a lápiz indeleble sobre un fondo previamente mojado.

2. Como en caso de encomiendas ordinarias, las encomiendas con valor declarado deberán embalsarse de acuerdo con la seguridad del contenido y la duración del transporte.

3. En cuanto de encomiendas con valor declarado la declaración del valor deberá expresarse en la moneda del país de origen y inscribirse sobre la encomienda en caracteres latinos. Este monto deberá convertirse en francos oro por el remitente o por la Administración de origen y el resultado de la conversión deberá agregarse debajo de la indicación original. El monto de la declaración de valor deberá inscribirse también en la declaración de aduana.

4. Las encomiendas con valor declarado deberán sellarse mediante de sellos de cera o por cualquier otro medio, aunque el país destinatario podrá abrirlos a fin de inspeccionar el contenido. Las encomiendas abiertas con ese motivo han de cerrarse luego y sellarse de oficio.

Cualquiera de las Administraciones podrá exigir que los remitentes utilicen una marca o im-

which slip must be enclosed in the parcel, but it is recommended that such address slips be enclosed in all parcels.

Parcels will not be accepted when sent by or addressed to initials, unless the initials are the adopted trade name of the senders or addressees.

The senders of parcels addressed to banks or other organizations for delivery to second addresses will be obliged to state, on the labels or wrappers thereof, the exact names and addresses of the persons for whom such parcels are intended.

Addresses in ordinary pencil are not allowed, but indelible pencil may be used on a previously dampened surface.

2. As in the case of ordinary parcels, every insured parcel shall be packed in a manner adequate for the protection of the contents and the length of the journey.

3. For insured parcels, the amount of insured value must appear on the parcel in currency of the country of origin and in Roman letters. This amount must be converted into gold francs by the sender or by the office of origin and the result of the conversion is added below the original indication. The amount of the insured value must also be indicated on the customs declaration.

4. Insured parcels must be closed and securely sealed with wax or otherwise, but the country of destination shall have the right to open them (including the right to break the seals) in order to inspect the contents. Parcels which have been so opened shall be closed again and officially sealed.

Either Administration may require a special impress or mark of the sender in the sealing of insured

Packing.

presión especial para sellar sus encomiendas con valor declarado, como medida de seguridad.

Marking, etc.

5. Las encomiendas con valor declarado deberán ir provistas de una marca, un rótulo o un sello que lleve la mención "Insured" o "Valeur déclarée" (valor declarado) de manera distinguible y clara sobre la cara de la dirección. El número correspondiente al de aseguramiento, se lo pondrá luego a continuación, sobre cada uno de los encomiendas. La declaración de aduana, si no estuviere pegada al envío, deberá igualmente marcarse, rotularse o sellarse con la misma mención.

Affixing labels or stamps.

6. Los rótulos o sellos postales colocados sobre las encomiendas con valor declarado deberán espaciarse de tal manera que no puedan esconder ninguna lesión del embalaje. No deberán tampoco colocarse sobre los dos fases del embalaje, de tal manera que cubran el borde.

parcels mailed in its service, as a means of protection.

5. Each insured parcel must be marked or labeled or stamped "Insured" or "Valeur déclarée" (valor declarado) in a conspicuous manner on the address side and in close proximity to such indorsement there must appear the insurance number given the parcel. The customs declaration, if not gummed to the parcel, must also be marked or labeled or stamped "Insured" or "Valeur déclarée" (valor declarado).

6. The labels or stamps on insured parcels must be so placed that they cannot serve to conceal injuries to the covers. They must not be folded over two sides of the cover so as to hide the edge.

#### ARTÍCULO 10.

##### *Avisos de recibo y reclamaciones.*

Advice of delivery; fee.

1. El remitente de una encomienda con valor declarado podrá obtener un aviso de recibo mediante el pago de tal derecho adicional, si hubiere alguno, cual el país de origen de la encomienda exijo.

Request for information; fee.

2. Un derecho podrá ser percibido a juicio de la Administración del país de origen por cada solicitud de información relativa a la disposición ulterior que se hubiere dado a la encomienda con valor declarado introducida con posterioridad al depósito de la misma si el expedidor no hubiere pagado ya el derecho especial correspondiente a un aviso de recibo.

Complaints of irregularity; fee.

También se cobrará un derecho, a juicio del país de origen, por concepto de quejas o irregularidades que se presentaren y que a primera vista no implicaren falta del servicio postal.

Request for advice of delivery.

3. Cada vez que se desee obtener un aviso de recibo, el remitente o la oficina de origen, escribirá o sellará sobre la encomien-

#### ARTICLE 10.

##### *Return receipts and inquiries.*

1. The sender of an insured parcel may obtain an advice of delivery upon payment of such additional charge, if any, as the country of origin of the parcel shall stipulate.

2. A fee may be charged, at the option of the country of origin, on a request for information as to the disposal of the insured parcel made after it has been posted if the sender has not already paid the special fee to obtain an advice of delivery.

A fee may also be charged, at the option of the country of origin, in connection with any complaint of any irregularity which prima facie was not due to the fault of the Postal Service.

3. When an advice of delivery is desired, the sender or office of origin shall write or stamp on the parcel in a conspicuous manner,

da, de manera clara, la mención the words "Return receipt requested", "Advice of delivery requested" or, boldly, the letters "A. R." "A. R.".

## ARTÍCULO 11.

## ARTICLE 11.

*Intercambio de encomiendas.**Exchange of parcels.*

Las encomiendas con valor declarado deberán encerrarse en sacos separados de aquellos en que se ponen las ordinarias. Los rótulos correspondientes a los sacos que contienen las encomiendas con valor declarado, deberán marcarse con símbolos distintivos y en conformidad con lo que se resolviera oportunamente.

Insured parcels shall be inclosed in separate sacks from those in which ordinary parcels are contained and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may be agreed upon from time to time.

Exchange of parcels.

## ARTÍCULO 12.

## ARTICLE 12.

*Inscripción en las hojas de ruta.**Billing of parcels.*

1. Las encomiendas con valor declarado se inscribirán individualmente en hojas de ruta distintas. Los siguientes datos relativos a cada encomienda con valor declarado han de inscribirse en la hoja de ruta; el número de serie del envío asegurado y la oficina (estado o país) de origen, así como la división de peso del envío lo mismo que en caso de las encomiendas ordinarias.

1. Insured parcels shall be entered on separate parcel bills and shall be listed individually. The entries shall show in respect to each insured parcel the insurance number and the office (and state or country) of origin as well as an indication of the weight division to which the parcel belongs, the same as in the case of ordinary parcels.

Billing of parcels.

2. En la entrada de la hoja de ruta correspondiente a una encomienda devuelta o reexpedida se expresará esa circunstancia.

2. The entry on the bill of any returned or redirected parcel must be followed by the word "Returned" or "Redirected" as the case may be.

Returned or redirected parcels.

3. Cada oficina de cambio expedidora deberá numerar las hojas de ruta poniendo el número correspondiente en la esquina izquierda superior, comenzandose cada año una nueva serie, para cada oficina de cambio destinataria. El último número del año deberá mencionarse en la primera hoja de ruta del año siguiente.

3. Each dispatching exchange office shall number the parcel bills in the upper left-hand corner, commencing each year a fresh series for each exchange office of destination. The last number of the year shall be shown on the parcel bill of the first dispatch of the following year.

Numbering of parcel bills.

## ARTÍCULO 13.

## ARTICLE 13.

*Verificación por las oficinas de cambio.**Verification by the exchange office.*

1. Al recibo de un despacho de encomiendas con valor declarado la oficina de cambio destinataria procederá a verificarlo. Las in-

1. Upon receipt of a dispatch of insured parcels, the receiving exchange office proceeds to verify it. The entries in the parcel bill must

Verification by exchange office.

scripciones en las hojas de ruta serán exactamente verificados. Cada error u omisión se comunicará inmediatamente a la oficina expedidora mediante un boletín de verificación. Si ningún boletín de verificación se confeccionará, se estimará que el despacho está en buen estado en todos respectos.

Si un error o irregularidad se notare al recibo de un despacho todas las piezas que se relacionen con las investigaciones que se hicieren con posterioridad, o con los exámenes de demandas por el pago de indemnización, serán conservadas.

2. La oficina de cambio expedidora a la cual se dirijan un boletín de verificación lo devolverán lo más rapidamente posible, después de haberlo examinado y de haber mencionado sus observaciones, si hubiere lugar. Los boletines devueltos se anexarán a las hojas de ruta a que se refieran. Se considerarán como nulas las correcciones efectuadas en una hoja de ruta sin estar respaldadas por piezas justificativas.

3. La oficina de cambio expedidora podrá además, si el caso así lo requiere, ser avisada por telegrama, por cuenta de la Administración que lo expida.

4. En caso de falta de una hoja de ruta, se hace confeccionar un duplicado, remitiendo una copia del mismo a la oficina de cambio de origen del despacho.

5. La oficina de cambio que recibiere de una oficina correspondiente una encomienda insuficientemente embalada o averiada, deberá darle curso después de haberla empacado de nuevo, si hubiere lugar, conservando hasta donde fuere posible el embalaje primitivo.

Si la avería fuere de tal naturaleza que el contenido del envío hubiere podido sustraerse, la oficina deberá proceder ante todo a la apertura de oficio de la encomienda y a la verificación de su contenido.

En los dos casos el peso de la encomienda deberá comprobarse

be verified exactly. Each error or omission must be brought immediately to the knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If an error or irregularity is found upon receipt of a dispatch, all objects which may serve later on for investigations, or for examination of requests for indemnity, must be kept.

2. The dispatching exchange office to which a bulletin of verification is sent, returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the office sending such telegram.

4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. The exchange office which receives from a corresponding office a parcel which is damaged or insufficiently packed must re-dispatch such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and

antes y después del nuevo embalaje y indicarse sobre la envoltura misma de la encomienda. Esta indicación irá acompañada de la mención "Repacked at . . ." (Reempacada en . . .) junto con la firma de los empleados que hayan efectuado el reempaque.

after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Reempacada en . . ." (Repacked at . . .) and the signature of the agents who have effected such repacking.

## ARTÍCULO 14.

## ARTICLE 14.

*Reexpedición.**Redirection.*

1. Una encomienda con valor declarado reexpedida dentro del país de destino, o entregada a algún destinatario suplente en la oficina original de destino se gravará con tal derechos adicionales cualla Administración destinataria exija, lo mismo que las encomiendas ordinarias.

2. Cuando una encomienda con valor declarado fuere reexpedida a cualquiera de los dos países, este deberá despacharse en la misma clase de correo en que fué recibido, esto es, con valor declarado y nuevos derechos de seguridad podrán ser cobrados si estos no hubieren sido previamente cubiertos, que se harán efectivos en el momento de entrega, lo mismo que la tasa postal adicional, en beneficio de la Administración que los recaudare y fijare la cuantía.

3. Las encomiendas con valor declarado no serán reexpedidas ni devueltas a otro país, a menos de que se las devueltas como encomiendas con valor declarado.

A menos que los remitentes expresen por escrito su deseo de que las encomiendas con valor declarado no sean reexpedidas a un país que no sea el país de destinación original, las encomiendas podrán reexpedirse a un tercer país, siempre que para ellas se observen las formalidades necesarias relativas a despachos de encomiendas con valor declarado.

Las encomiendas con valor declarado podrán ser devueltas al remitente en un tercer país siempre que se exprese ese deseo mediante una anotación sobre la encomien-

1. An insured parcel redirected within the country of destination or delivered to an alternate addressee at the original office of address shall be liable, the same as ordinary parcels, to such additional charges as may be prescribed by the Administration of that country.

2. When an insured parcel is redirected to either country it must be dispatched in the same kind of mails as received, that is, insured, and new insurance fees may, if not prepaid, be collected upon delivery as well as additional postage and retained by the Administration making the collection. The Administration making delivery shall fix the amount of such fees and postage when not prepaid.

3. Insured parcels shall not be forwarded or returned to another country unless they are forwarded or returned as insured mail.

Unless senders indorse insured parcels to indicate that they do not wish them forwarded to any country other than that of mailing or within the country of original address, they may be forwarded to a third country if they are forwarded as insured mail.

Insured parcels may be returned to the sender in a third country, in accordance with a return address on the parcels, if they can be returned as insured mail.

Redirection; additional charges.

Manner of forwarding or return.

Forwarding to a third country.

Return to sender in a third country.

da y siempre que se reexpidan como encomienda con valor declarado. En los casos de pérdida, expoliación o avería de una encomienda con valor declarado que ha sido reexpedida o devuelta a un tercer país, las indemnizaciones a percibirse deberán sujetarse a las estipulaciones del Artículo 2, parágrafo 5, de este acuerdo.

In case of loss, rifling, or damage of an insured parcel forwarded or returned to a third country, indemnity will be paid only in accordance with the stipulations of Article 2, Section 5, of this agreement.

## ARTÍCULO 15.

*Falta de entrega.*

Return to sender.

1. Las encomiendas con valor declarado que no hubieren sido entregadas al destinatario, serán devueltas al remitente (en la misma forma en que fueron recibidas, o sea, como encomiendas con valor declarado), como las encomiendas ordinarias que no puedan ser entregadas. Se percibirán nuevos derechos de seguro así como también nuevas tasas postales que las cubra el remitente en beneficio de la oficina que efectuare el cobro.

Additional fees and postage.

Undeliverable parcels.

Las encomiendas con valor declarado que no hayan sido entregadas estarán sujetas a los mismos derechos de reexpedición que las encomiendas ordinarias que no hayan sido entregadas.

Notice to Administration of origin.

2. La Administración de origen será notificada cada vez que una encomienda con valor declarado, que no ha sido entregada o devuelta, caiga en el caso de ser puesto a disposición o en el de venta por remate.

## ARTICLE 15.

*Non-delivery.*

1. An insured parcel which can not be delivered shall be returned to the sender (in the same kind of mail as received, that is, insured mail) under the same circumstances as in the case of an ordinary parcel which cannot be delivered. New insurance fees, as well as new postage may be collected from the sender and retained by the Administration making the collection.

Insured parcels which cannot be delivered will be subject to the same charges on return as ordinary parcels which are undeliverable.

2. The Administration of origin shall be notified when an insured parcel which is not delivered or is not returned to the country of origin is disposed of at auction or otherwise.

## ARTÍCULO 16.

*Encomiendas recibidas con falsa dirección.*

Missent parcels.

Las encomiendas con valor declarado recibidas con falsa dirección, no podrán ser reexpedidas a sus destinaciones respectivas a menos de que se los trate como a tales, es decir, enviándolos como encomiendas con valor declarado. Si no se pudiere cumplir con ese requisito según sea que se trate de encomiendas con valor declarado, serán devueltas a su origen.

## ARTICLE 16.

*Missent parcels.*

Missent insured parcels shall not be forwarded to their destination unless they are forwarded as insured mail. If they cannot be forwarded as insured mail, they shall be returned to the country of origin.

## EL SERVICIO DE ENCOMIENDAS CONTRA REEMBOLSO.

## COLLECT-ON-DELIVERY SERVICE.

## ARTÍCULO 17.

## ARTICLE 17.

*Sujeto.**Subject.*

1. Las encomiendas expedidas contra reembolso se aceptarán para depósito a toda oficina de giros postales en los Estados Unidos del Norte América o a las oficinas de cambio de Bogotá, Barranquilla, Buenaventura, Cartagena, Medellín, Santa Marta y Tumaco en la República de Colombia.

2. Las encomiendas gravadas con reembolso se aceptarán solamente cuando su valor fué declarado.

3. Las disposiciones de los artículos 17 a 28 de este acuerdo no se aplicarán a las encomiendas gravadas con reembolso en tránsito.

1. Parcels having charges to be collected on delivery, shall be accepted for mailing to any money order post office in the United States of America or to the following offices in the Republic of Colombia: Bogotá, Barranquilla, Buenaventura, Cartagena, Medellín, Santa Marta, and Tumaco.

2. Collect-on-delivery parcels shall be accepted only when insured.

3. The provisions of the Articles 17 to 28 of this agreement do not cover transit collect-on-delivery parcels.

Acceptance of collect-on-delivery parcels.

Acceptance only when insured.

Transit collect-on-delivery parcels.

## ARTÍCULO 18.

## ARTICLE 18.

*Tasas postales y derechos.**Postage and fees.*

1. Las encomiendas gravadas con reembolso se someterán a las tasas postales, los derechos, las condiciones de depósito, y las otras formalidades de las encomiendas con valor declarado sin reembolso. La Administración de origen tendrá la facultad de cobrar del remitente de cada encomienda expedida contra reembolso, tal derecho de reembolso además de la tasa postal y otros derechos que se prevía por su reglamento.

2. Las tasas postales y los derechos pertenecerán por completo al país que los hubiere cobrado.

1. Parcels bearing charges for collection on delivery shall be subject to the postage rates, fees, conditions of mailing, and other formalities applicable to insured parcels without trade charges. The Administration of origin is entitled to collect from the sender of each parcel mailed collect-on-delivery, such collect-on-delivery fee, in addition to the required postage and other fees, as may be prescribed by its regulations.

2. The postage rates and fees shall belong entirely to the country which collects them.

Postage and fees.

Accounting.

## ARTÍCULO 19.

## ARTICLE 19.

*El monto del reembolso.**Amount of C. O. D.*

1. El monto máximo del reembolso estará 500 francos oro o su equivalencia en la moneda del país de origen. Las dos Administraciones podrán, cada vez que les pareciere oportuno, de mutuo consentimiento y por correspondencia, reducir o aumentar este monto.

1. The maximum amount to be collected on delivery shall be 500 gold francs or its equivalent in the currency of the country of origin. This amount may be increased or decreased at any time by mutual agreement through correspondence between the two

Maximum amount to be collected.

El monto del reembolso se expresará invariablemente en dólares y centavos.

Request for reduction or cancellation of amount to be collected.

2. Salvo arreglo en contrario por correspondencia, cuando el remitente solicita la anulación total o parcial del monto del reembolso, la solicitud se tratará entre las oficinas de cambio que hubiere tratado la encomienda.

Administrations. The amount to be collected on delivery shall invariably be expressed in dollars and cents.

2. When the sender makes a request for any reduction or cancellation of the amount to be collected on delivery, the request shall be handled between the exchange offices which have handled the parcel, unless otherwise agreed to through correspondence.

#### ARTÍCULO 20.

##### *Liquidación.*

Remission of amount to sender.

1. El monto total del reembolso sin cada deducción para los derechos de giro o de cobro se transmitirá al remitente mediante un giro postal internacional. La oficina que entrega la encomienda gravada con reembolso cobrará del destinatario el monto total del reembolso y además a ello tal derechos de giro postal cual sea exigidos para remitir el monto del reembolso al remitente en el país de origen.

Collection charges from addressee.

2. El país que entrega una encomienda contra reembolso podrá a su juicio cobrar un monto razonable, que no podrá exceder 25 céntimos oro al destinatario como un derecho de cobro, siempre que este monto no se ser deduir de los montos del reembolso que deberán remitirse al remitente.

No examination by addressee until charges paid.

3. Se prohibirá el examen del contenido de una encomienda gravada con reembolso por el destinatario sino al cobro del reembolso y todos los otros derechos que sea pagaderos sobre ella, aunque el remitente o destinatario solicita la permisión para hacerlo este examen.

#### ARTICLE 20.

##### *Settlement.*

1. The entire amount of the collect-on-delivery charges without any deduction for money order fee or collection charges is to be remitted to the sender by means of an international money order. The post office delivering the C. O. D. parcel will collect from the addressee the full amount of the C. O. D. charges and in addition thereto, such money order fees as are required to remit the amount of the C. O. D. charges to the sender in the country of origin.

2. The country effecting delivery of a C. O. D. parcel may at its option collect a reasonable amount, not in excess of 25 gold centimes from the addressee as a collection charge, but this amount is not to be deducted from the collection charges which are remitted to the sender.

3. Examination of the contents of a C. O. D. parcel by the addressee is prohibited until the C. O. D. charges and any other charges that may be due thereon have been collected even though the sender or addressee may make request that such action be permitted.

#### ARTÍCULO 21.

##### *Giros de reembolso.*

Information to accompany advice of a money order.

1. Cada aviso de un giro postal, emitido en cualquiera país para pagar los reembolsos, gravadas sobre una encomienda, deberá indicar claramente el número de

#### ARTICLE 21.

##### *C. O. D. money orders.*

1. Every advice of a money order, issued in either country in payment of C. O. D. charges on a parcel, must show plainly the C. O. D. (insured) number of the



orden (de seguro) de la encomienda y llevar las letras "C. O. D." o la mención "Reembolso" muy aparente.

2. Además de los detalles usuales, las listas de giros postales de reembolso deberán indicar el número de orden (de seguro) de las encomiendas. Ningún giro de reembolso se inscribirá en la lista de giros postales a menos de que el nombre del remitente y el nombre así como la dirección exacta del destinatario se incluyan.

parcel and bear the letters "C. O. D." or the word "Reembolso" in a conspicuous position.

2. The C. O. D. money order advice lists shall show, in addition to the usual details, the C. O. D. (insured) number of the parcels. No C. O. D. money order shall be listed unless the remitter's name and the payee's name and exact address are included.

Money order advice lists.

## ARTÍCULO 22.

## ARTICLE 22.

*Intercambio y inscripción en las hojas de ruta de encomiendas.*

*Exchange and billing of C. O. D. parcels.*

1. El intercambio de las encomiendas gravadas con reembolso se efectuará por las oficinas de cambio designadas por acuerdo entre las dos Administraciones. Los intercambios se efectuarán en despachos directos en sacos que contengan solamente encomiendas expedidas contra reembolso, inscribiéndose muy aparente las letras "C. O. D." o la mención "Reembolso" en los documentos refiriendo a ellas así como sobre los rótulos de los sacos. Estas encomiendas se inscribirán en hojas de ruta distintas para indicar el número de orden (de reembolso), la oficina y estado de origen y el monto de reembolso de cada encomienda.

2. Al recibo de un despacho de las encomiendas contra reembolso a la oficina de cambio del país destinatario el despacho deberá ser verificado y también tratado como previsto por el artículo 13.

1. Parcels with C. O. D. charges shall be exchanged through the exchange offices appointed by agreement between the two Administrations. The exchanges shall be effected in direct dispatches in sacks containing nothing but C. O. D. parcels, the letters "C. O. D." or the word "Reembolso" being entered very conspicuously in the documents covering them, as well as on the labels of the sacks. Such parcels will be listed in separate bills to show, in respect to each parcel, the C. O. D. number, post office and state of origin, and the C. O. D. amount.

Exchange and billing of C. O. D. parcels.

2. Upon receipt of a dispatch of C. O. D. parcels, at the exchange office of the country of destination, the dispatch must be carefully checked and otherwise treated as provided in Article 13.

Check by exchange office at destination.

## ARTÍCULO 23.

## ARTICLE 23.

*Listas de giros postales de reembolso.*

*Lists of C. O. D. money orders.*

Las oficinas de New York y Bogotá solamente podrán transmitir las listas de giros postales de reembolso y estos giros se inscribirán por separado de los ordinarios y la lista se marcará "Collect-on-delivery" o "Reembolso".

The offices of New York and Bogota shall be the only ones to send lists of C. O. D. money orders and such money orders shall be listed separately from the ordinary money orders and the list shall be marked "Collect-on-delivery" or "Reembolso".

Designated offices.

## ARTÍCULO 24.

## ARTICLE 24.

*Giros de reembolso no pagados.**Unpayable money orders.*

Disposition of unpaid money orders.

1. Los giros de reembolso que no hayan podido pagarse a los beneficiarios por cualquier causa se someterán al disposición de la Administración del país de origen de las encomiendas a las cuales refiere estos giros.

1. The C. O. D. money orders which have not been paid to the payee for any reason shall be subject to the disposition of the Administration of the country of origin of the parcels to which they relate.

Use of service to defraud.

2. Cuando parece que el servicio de encomiendas reembolso fuere empleado para promover un designio de defraudar la paga de los giros en cuestión se retendrá, si practicable, y los giros se tratará según las equidades de cada caso en los reglamentos del país de origen de las encomiendas gravadas con reembolso en cuestión.

2. When it appears that the C. O. D. service was used in furtherance of a scheme to defraud, payment of the money orders in question will be withheld, if practicable, and the orders disposed of in accordance with the equities of each case under the rules and regulations of the country of origin of the C. O. D. parcels involved.

Provisions for other formalities.

3. Con respecto a las otras formalidades, los giros postales de reembolso se someterán a las disposiciones que rija el intercambio de giros postales entre los dos países.

3. As for other formalities, C. O. D. money orders shall be subject to the provisions governing the money order exchange between the two countries.

## ARTÍCULO 25.

## ARTICLE 25.

*Responsabilidad por las encomiendas gravadas con reembolso.**Responsibility for C. O. D. parcels.*

Responsibility.

1. Como en caso de las encomiendas con valor declarado sin reembolso, la pérdida, expoliación o avería de una encomienda gravada con reembolso comprometerá la responsabilidad de las Administraciones postales de conformidad con las disposiciones de los artículos 2 a 7.

1. In case an insured C. O. D. parcel has been lost, rifled, or damaged the postal Administrations are responsible as for an insured parcel without C. O. D. charges, in conformity with the provisions in Articles 2 to 7.

Parcel delivered to addressee but charges not remitted.

2. Si la encomienda contra reembolso fuere entregada al destinatario sin remisión del monto del reembolso, el remitente u otra persona autorizada tendrá derecho a una indemnización correspondiente al monto del reembolso no remitido, siempre que hubiere formulada su reclamación dentro del plazo previsto y a menos que la falta de cobro no fuere debida a una falta o negligencia de su parte o que la transmisión en los despachos postales del contenido de la encomienda no fuere prohibida. Se procederá de la misma manera si la suma cobrado al

2. When a C. O. D. parcel has been delivered to the addressee but the charges have not been remitted, the sender or other rightful claimant is entitled to an indemnity corresponding to the C. O. D. amount not remitted, provided that he has made his claim in due time and unless the delivery without collecting the charges has arisen from the fault or negligence of the sender or from the transmission of the contents in parcel post mails being prohibited. This stipulation also applies to the case that a lower amount than the full C. O. D.

Exception, if sender in fault.

destinatario fuere inferior al monto del reembolso indicado.

La indemnización no podrá en ningún caso exceder del monto del reembolso.

3. Con respecto a la determinación de la responsabilidad y al pago de la indemnización las mismas estipulaciones se aplicarán en caso de las encomiendas expedidas contra reembolso que se prescriben para las encomiendas con valor declarado no expedidas contra reembolso.

4. En caso de localización ulterior de una encomienda gravada con reembolso por la cual fuere pagado la indemnización, el administrador de correos a la oficina de entrega entregará la encomienda, cobrará los derechos de reembolso, retendrá este monto y pedirá de instrucciones a la Administración de la cual dependa su oficina. Sin embargo, si el destinatario rehusare aceptar una encomienda y pagar los derechos el administrador de correos ella retendrá y de la misma manera pedirá de instrucciones de su tratamiento. En este caso, la Administración que se responde por la indemnización determinará la tratamiento que se dará la encomienda en cuestión.

charge is collected from the addressee.

The indemnity provided for in this section may not in any case exceed the C. O. D. amount.

3. As to the fixing of the responsibility and the payment of the indemnity the same stipulations shall be applied as are provided for insured parcels not sent C. O. D.

4. When a C. O. D. parcel for which indemnity has been paid is recovered, the postmaster at the delivering office will deliver the parcel and collect the charges, hold such amount and request instructions from the Administration to which his office is subordinate. If the addressee, however, refuses to accept a recovered parcel and pay the charges, the postmaster will hold it and likewise seek instructions as to its disposition. In the latter case the Administration responsible for the indemnity shall determine the disposition to be made of the parcel involved.

Limitation.

Fixing of the responsibility.

Recovery of parcel for which indemnity was paid.

Refusal of addressee to accept parcel and pay charges.

#### ARTÍCULO 26.

*Indicaciones que deben llevar las encomiendas contra reembolso.*

Cada encomienda gravada con reembolso y la declaración de aduana correspondiente deberá llevar del lado de la dirección, de manera muy aparente, un sello o rótulo con la mención "Collect-on-delivery" o "C. O. D." o "Reembolso" y en proximidad contigua a estas palabras se parecerá el número de la encomienda que será el número de seguro (uno número primitivo solamente) y seguido de la indicación del monto exacto del reembolso en caracteres latinos y en cifras arabes, el cual no incluire las tasas de giro adicionales que se cobrará en el país que efectue la entrega de la encomienda para hacer el pago al remitente en el país de depósito.

#### ARTICLE 26.

*Marking of C. O. D. parcels.*

Each C. O. D. parcel and the relative customs declaration must bear, on the address side, the conspicuous impression of a stamp or label reading "Collect-on-delivery", or "C. O. D.", or "Reembolso", and in close proximity to these words there must appear the number given the parcel which shall be the insured number (only one original number) and after it must be shown in Roman letters and in Arabic figures, the exact amount of the collect-on-delivery charges which should not include the additional money order fees that will be collected in the country making delivery of the parcel for making the remittance to the sender in the country of mailing.

Marking of C. O. D. parcels.

## ARTÍCULO 27.

*Reexpedición. Retiro del servicio.*

Redirection.

1. Salvo arreglo en contrario, las encomiendas gravadas con reembolso no podrán ser reexpedidas a un tercer país.

Recall.

2. El remitente de una encomienda gravada con reembolso podrá hacerla retirar del servicio en las condiciones establecidas a este respecto por el país de origen.

## ARTICLE 27.

*Redirection. Recall.*

1. Unless mutually otherwise agreed, C. O. D. parcels shall not be reforwarded to a third country.

2. The sender of a C. O. D. parcel may cause it to be recalled upon complying with such requirements as may be established in this connection by the country of origin.

## ARTÍCULO 28.

*Falta de entrega.*

Disposition of undeliverable parcels.

Si su encomienda gravada con reembolso no se puede ser entregada a la dirección primitiva, el remitente podrá disponer otra disposición de ella como en caso de las encomiendas sin reembolso y de conformidad con lo establecido en el artículo 14.

## ARTICLE 28.

*Nondelivery.*

The sender may provide, in case his C. O. D. parcel is undeliverable as originally addressed, for other disposition to be made of it, the same as in the case of parcels without trade charges and as stipulated in Article 14.

## ARTÍCULO 29.

*Formulación de cuentas.*

Preparation of accounts.

Las cuentas por transmisión de las encomiendas a que se refiere este Convenio deberán formularse trimestralmente y estarán a cargo del país acreedor para su confección.

## ARTICLE 29.

*Preparation of accounts.*

The accounts for transmission of the parcels referred to in this agreement must be made up quarterly by the creditor country.

## ARTÍCULO 30.

*Asuntos no previstos en el acuerdo.*

Application of other postal conventions to matters not covered hereby.

1. Todos los asuntos relativos a las solicitudes de retiro del servicio o devolución de encomiendas con valor declarado, y de encomiendas gravadas con reembolso aseguradas, la obtención y disposición de avisos de recibo de las mismas y el arreglo de indemnizaciones que se solicitaren por dichas encomiendas, que no se hallaren consultados en este acuerdo, serán regidos por las estipulaciones de la Convención americano-español de Paquetes Postales y de la Convención Postal Universal y de su Reglamento de Detalle, hasta donde puedan ser estas aplicables y que no sean

50 Stat. 1696.

49 Stat. 2741, 2802.

## ARTICLE 30.

*Matters not provided for in the agreement.*

1. All matters concerning requests for recall or return of insured parcels and of collect-on-delivery insured parcels, and obtaining and disposition of return receipts therefor, and the adjustment of indemnity claims in connection therewith, not covered by this agreement, shall be governed by the provisions of the American-Spanish Parcel Post Convention and the Universal Postal Union Convention and the Detailed Regulations for its Execution, respectively, in so far as they are applicable and are not inconsistent with the provisions of this agreement,

incompatibles con las estipulaciones de este acuerdo, y luego también para el caso de que no exista otro arreglo regirá la legislación interna, reglamentos y disposiciones dictadas por los Estados Unidos y la República de Colombia, en conformidad con el país interesado.

2. El Director General de Correos de los Estados Unidos de América y el Ministro de Correos y Telégrafos de la República de Colombia quedan autorizados para hacer de acuerdo, cada vez que les pareciere oportuno, y por correspondencia, cambios, modificaciones y más regulaciones de orden y detalle que estimaren necesarias para facilitar la operación de los servicios que motiva el presente acuerdo.

3. Las Administraciones se comunicarán entre ellas, cada vez que juzgaren oportuno, las nuevas disposiciones de sus leyes y reglamentos aplicables a la conducción de paquetes por los correos asegurados.

and then, if no other arrangement has been made, the internal legislation, regulations, and rulings of the United States of America and the Republic of Colombia, according to the country involved, shall govern.

2. The Postmaster General of the United States of America and the Minister of Posts and Telegraphs of the Republic of Colombia shall have authority to make from time to time by correspondence, such changes and modifications and further regulations of order and detail as may become necessary to facilitate the operation of the services contemplated by this agreement.

Changes, modifications, etc., authorized.

3. The Administrations shall communicate to each other from time to time the provisions of their laws or regulations applicable to the conveyance of parcels by insured mail.

Mutual notice of laws, etc.

#### ARTÍCULO 31.

##### *Duración del Acuerdo.*

1. El presente acuerdo se pondrá en vigencia y las diversas operaciones de que se ocupa comenzarán a surtir efecto desde la fecha fijada mutuamente entre las dos Administraciones.

2. Permanecerá en vigor hasta que una de las Administraciones contratantes haya participado a la otra, con seis meses de anticipación, su intención de terminarlo.

Cualquiera de las dos Administraciones puede suspender temporalmente los servicios de seguro, de una manera general o parcial, así como los servicios de encomiendas gravadas con reembolso, siempre que mediaren razones para ello, o restringirlo tan solo a ciertas oficinas; para lo cual se han de enviar las notificaciones previas y oportunas de haberse adoptado esa medida a la otra Administración, noticia que se debe enviar por la vía más expedita, si ello fuere necesario.

#### ARTICLE 31.

##### *Duration of the Agreement.*

1. This agreement shall take effect and operations thereunder shall begin on a date to be mutually settled between the Administrations of the two countries.

Effective date.

2. It shall remain in force until one of the two contracting Administrations has given notice to the other, six months in advance, of its intention to terminate it.

Duration.

Either Administration may temporarily suspend the insured or collect-on-delivery services, in whole or in part, when there are special reasons for doing so, or restrict them to certain offices; but on condition that previous and opportune notice of such a measure is given to the other Administration, such notice to be given by the most rapid means, if necessary.

Temporary suspension of services.

## Signatures.

Hecho por duplicado y firmado en Bogotá, el día 31 de enero de 1939, y en Washington, el día 7 de febrero de 1939.

Done in duplicate and signed at Bogotá, the 31st day of January, 1939, and at Washington, the 7th day of February, 1939.

El Ministro de Correos y Telégrafos de la República de Colombia.

JAMES A FARLEY

Postmaster General of the United States of America.

[SEAL]

ALFREDO CADENA D'COSTA

The Minister of Posts and Telegraphs of the Republic of Colombia.

[SEAL]

JAMES A. FARLEY

Postmaster General of the United States of America.

ALFREDO CADENA D'COSTA

## Approval by the President.

The foregoing Parcel Post Agreement between the Republic of Colombia and the United States of America has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.

CORDELL HULL

*Secretary of State.*

WASHINGTON, February 14, 1939.

*Arrangement between the United States of America and Canada respecting the use of radio for civil aeronautical services. Effected by exchange of notes signed February 20, 1939; effective February 20, 1939.*

February 20, 1939  
[E. A. S. No. 143]

*The Secretary of State (Hull) to the Canadian Minister (Marler)*

DEPARTMENT OF STATE

WASHINGTON

February 20, 1939.

SIR:

I have the honor to refer to negotiations which have taken place between the Government of the United States of America and the Government of Canada for the conclusion of a United States-Canadian Regional Arrangement Governing the Use of Radio for Civil Aeronautical Services.

Regional arrangement with Canada governing the use of radio for civil aeronautical services.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the Arrangement shall be as follows:

UNITED STATES-CANADIAN REGIONAL ARRANGEMENT GOVERNING  
THE USE OF RADIO FOR CIVIL AERONAUTICAL SERVICES

Article I. *Scope*: The present arrangement between the United States and Canada concerns primarily the radio communication service of civil aeronautics and civil air navigation services. Except for Article XIII, the subject matter of this arrangement is confined to the frequencies 200-400 kc. and above 30,000 kc. Services other than civil aeronautical which may incidentally be involved from the standpoint of interference to and by the civil aeronautical radio services are treated in Article XVII. Nothing in this arrangement shall be construed as lessening in any manner or to any degree the rights enjoyed by the national defense services of either country.

Scope.

Article II. *Application*: Nothing in the present arrangement shall contravene the pertinent portions of the International Telecommunication Convention, Madrid, 1932; the radio regulations annexed thereto to which the parties to this arrangement have subscribed; the Inter-American Radio Communications Convention, Habana, 1937, and the Inter-American Arrangement on Radio Communications, Habana, 1937, or such documents as may supplant them as a result of subsequent conferences.

Application.

49 Stat. 2391, 2445.

Article III. *Standardization*: In order that international flying may be facilitated, the standardization and use of aeronautical radio facilities are provided for in this arrangement. Appendix I lists the standard classes of aeronautical radio aids approved for service operation.

Standardization.

Geographical spacing of aeronautical stations.

Article IV. *Geographical Spacing of Aeronautical Stations*: In accordance with the general principles governing the economical use of the available channels, assignments shall be duplicated with a minimum practicable geographical separation between stations as determined by permissible ratio of interfering signal to desired signal, characteristics of the frequencies in use, and the areas of operation of the stations concerned.

Sharing of channels.

Article V. *Sharing of Channels*: The principle of the sharing of frequencies which are made available for aeronautical services by international convention is fully recognized, particularly, however, with respect to those allocated to such services by the Inter-American Arrangement Concerning Radio Communications, Habana, 1937. Recognition is given, however, to the priority of existing services as set forth in Article XVII and Appendix IV. In general, assignments to a new station shall be treated as an individual problem to be solved by engineering methods.

Post, p. 2165.

Field intensity.

Article VI. *Field Intensity*: In order that radio interference beyond the service area may be reduced to a minimum, radiated power should ordinarily be adjusted to a value consistent with a normal required field intensity within the prescribed area in which it is desired to render service.

#### BAND 200-400 KC.

Geographical spacing.

Article VII. *Geographical Spacing*: In the case of radio range stations in the band 200-400 kc., the geographical spacing of the stations shall be not less than that prescribed in the curve shown in Appendix II. For powers other than four hundred watts, the distances shown in Appendix II shall be modified accordingly.

Post, p. 2162.

Standardization of quadrant signals.

Article VIII. *Standardization of Quadrant Signals*: For uniformity and for purpose of course orientation, the characteristic "N" shall be utilized in the quadrant through which the true north line passes, except when the northerly course is true north, in which case the characteristic signal "N" should be in the northwest and southeast quadrants. The "A" signal should always fall in the quadrants adjacent to those occupied by the "N" signal.

Identification signals.

Article IX. *Identification Signals*: The identification signal employed to identify individual radio range stations shall consist of two letters and shall be assigned without duplication. Where practicable, the signal used to establish the identity of radio facilities at any particular point should correspond to the designator for weather reports from the same station.

Spacing and assignment of channels.

Article X. *Spacing and Assignment of Channels*: The channel spacing for radio range transmitters in the band 200-400 kc. shall be 3 kc. and the radio range channels shall be as set out in Appendix IV.

Post, p. 2165.

Post, p. 2167.

The frequency assignments to the radio range stations in the United States and Canada shall be set out as in Appendix V.

#### BAND ABOVE 30,000 KC.

Development in communication.

Article XI. *Development in Communication*: It is recognized that many services of aeronautics may be accommodated in the band



above 30,000 kc. It is further recognized that the use of such frequencies for aviation purposes is still on an experimental basis.

The Parties accordingly agree to cooperate in the development of the use of this ultra high frequency band so that frequencies of the same order may be used for similar purposes throughout the United States and Canada and that the table shown in Appendix III shall be used as a guide when making assignments in this band for aeronautical use.

Post, p. 2163.

Article XII. *Ultra High Calling and Working Frequency*: If and when ultra high frequencies come into use for aeronautical purposes, 141,780 kc. shall be designated as a calling and working frequency from plane to ground.

Ultra high calling and working frequency.

#### GENERAL PROVISIONS

Article XIII. *Normal Calling and Working Frequencies*: It is agreed that the United States and Canada will use 3105 kc. as the international calling and working frequency for use by itinerant aircraft and for emergency use by transport aircraft. 6210 kc. will also be used for secondary purposes as a calling and working frequency, available to itinerant and other aircraft by arrangement, when the circumstances are such as to make the use of 3105 kc. unsuitable.

Normal calling and working frequencies.

Article XIV. *Specific Allocation of Airport Control Frequency*: The frequency 278 kc. will continue to be used as an airport control frequency with the expectation that after January 1, 1939 no new assignments to airport control stations on this frequency will be made unless there is installed for simultaneous use facilities for operation on frequencies between 129 and 132 megacycles. It is further proposed that the use of 278 kc. for airport control purposes may be discontinued after January 1, 1940 and replaced by frequencies between 129 and 132 megacycles.

Specific allocation of airport control frequency.

Article XV. *Exchange of Information*: Information pertaining to civil aeronautics including frequency assignments, power, location of stations, identification signals and course orientation shall be exchanged directly between the administrative agencies of the two Parties.

Exchange of information.

Article XVI. *Infringements*: The Parties undertake to inform each other concerning any infringement of the provisions of this arrangement in order to facilitate corrective action.

Infringements.

Article XVII. *Services Other Than Civil Aeronautical*:

a. *National Defense*: This arrangement recognizes the paramount requirements of national defense as established by Article 39 of the International Telecommunication Convention, Madrid, 1932, and by such national legislation in harmony therewith as has been or may in future be enacted.

Services other than civil aeronautical. National defense.

49 Stat. 2419.

b. *Marine Radiobeacons* are recognized as operating in the United States and Canada in the band 285–315 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radiobeacons along the seacoasts and on the Great Lakes.

Marine radiobeacons.

49 Stat. 2391, 2445.

Marine direction-  
finding service.

49 Stat. 2391, 2445.

c. *Marine Direction-Finding Service* is recognized as operating in the United States and Canada in the band 365-385 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radio direction-finding services.

Marine communi-  
cation services.

d. *Marine Communication Services* are recognized as operating in the United States and Canada on certain frequencies between 385 and 400 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine communication services.

#### CONCLUSION

Abrogation.

Article XVIII. *Abrogation*: It is mutually agreed that all existing informal undertakings between the Parties or the administrative agencies thereof with respect to radio allocations to aeronautical services provided for herein, are hereby superseded and become inoperative upon the effective date of this arrangement regardless of any contrary provisions for denunciation which may appear in such existing agreements.

Effective date.

Article XIX. *Effective Date*: The effective date of this arrangement shall be established at the time of the exchange of notes effectuating it.

Amendment.

Article XX. *Amendment*: The appendices to the present arrangement, but not the arrangement itself, may be amended by mutual agreement of the authorized agencies of the Parties hereto.

Denunciation.

Article XXI. *Denunciation*: The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

Appendices;  
amendment and  
transmittal.

The appendices to the proposed Arrangement, which, under the terms of Article XX thereof, may be amended by mutual agreement of the authorized agencies of the Parties thereto, are transmitted as enclosures to this Note.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the Arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the Arrangement become effective as of the date of this Exchange of Notes. If your Government concurs in this suggestion, the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

G. S. MESSERSMITH

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,  
*Minister of Canada.*

[Enclosures]

## APPENDIX I

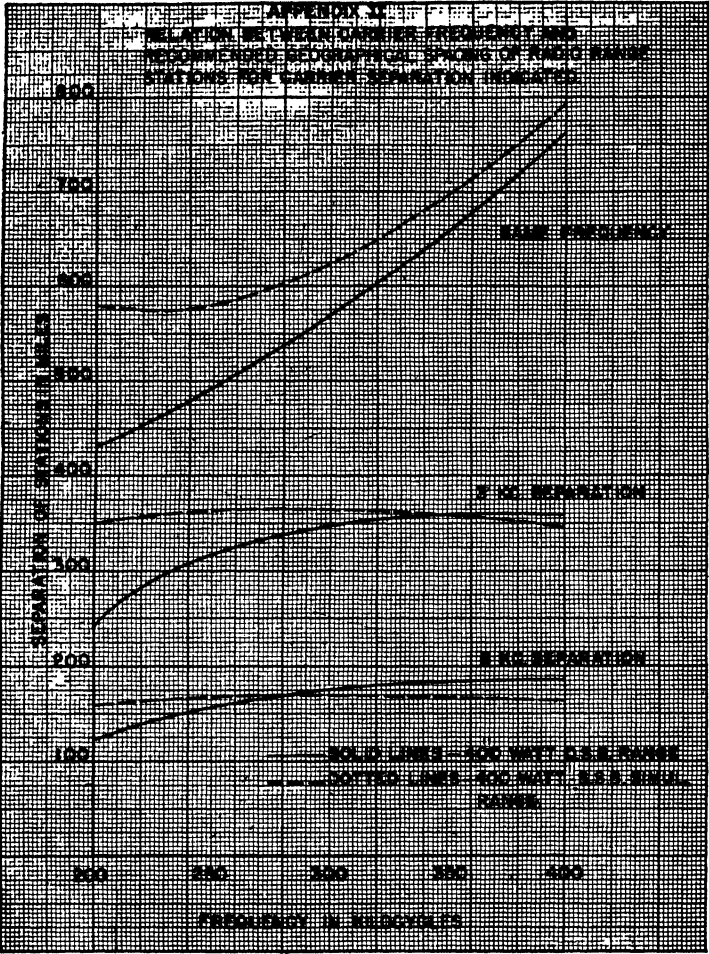
Appendix I.

STANDARD TYPES OF AERONAUTICAL RADIO AIDS APPROVED FOR  
SERVICE OPERATION

1. Aeronautical Stations (Air to ground and ground to plane)
2. Aeronautical point to point stations (Intermediate & High)
3. Airways Marker Stations
  - M: Marker Non-directional
  - FM: Marker Fan type Ultra-High 100 watts
  - MO: Outer marker for instrument landings
  - MI: Inner marker for instrument landings.
4. Radio Range Station
  - SRA: Simultaneous transmission of range signals and voice  
(Adcock vertical radiators) Power 400 watts (Transmitter carrier output)
  - SMRA: SIMULTANEOUS transmission of range signals and voice  
(Adcock vertical radiators) Power 50 to 150 watts.
  - RA: Range adcock vertical radiators. Power 400 watts.
  - MRL: Range loop radiators. Power 50 to 100 watts.
  - ML: Range loop radiators. Power less than 50 watts.
  - Z: Cone of silence marker. UHF 5 watts.

Note: The addition of "B" to the above designators indicates that the station concerned broadcasts information on a regular schedule.
5. Airport Traffic Control Stations.
  - 15 watts on 278 KCS
  - 100 watts on UHF
6. Glide Path Station.
  - GP power 200 to 500 watts on UHF.
7. Localizer Station.
  - GPL power up to 100 watts UHF.
8. Aviation Instruction Station.

Appendix II.



## APPENDIX III

Appendix III.

ALLOCATION OF ULTRA HIGH FREQUENCIES FOR USE OF  
AERONAUTICAL SERVICES

<i>Frequency in kc</i>	<i>Type of Service</i>	<i>Frequency in kc</i>	<i>Type of Service</i>
33,420	Aviation (Instructional Flying)	64,020	Radiotelephone and radioteletype ground to aircraft
35,580	Aviation "		
37,860	Aviation "	180	"
39,060	Aviation "	260	"
60,180	Radiotelephone and radioteletype ground to aircraft	420	"
		580	"
260	"	660	"
420	"	820	"
580	"	980	"
660	"	65,060	Radiotelephone and radioteletype; ground to aircraft
820	"		
980	"	220	"
61,060	"	380	"
220	"	460	"
380	"	620	"
460	"	65,780	Marine and radiotelephone and radioteletype; ground to aircraft
620	"		
780	"	860	"
860	"		
62,020	"	74,600	Guard
180	"	680	Guard
260	"	760	Guard
420	"	840	Guard
580	"	920	Guard
660	"	75,000	Aviation markers
820	"	080	Guard
980	"	160	Guard
63,060	"	240	Guard
220	"	320	Guard
380	"	400	Guard
460	"	93,500	Instrument Landing
620	"		Glide Path
780	"		
860	"		

<i>Frequency in kc</i>	<i>Type of Service</i>	<i>Frequency in kc</i>	<i>Type of Service</i>
900	Instrument Landing	700	Airway Radio Range
	Glide Path	800	"
94,300	"	900	"
109,500	Instrument Landing Lat- eral Guidance (Lo- calizers)	126,000*	"
	"	100*	"
900	"	200*	"
110,300	"	300*	"
123,100	Airway Radio Range	400*	"
200	"	500*	"
300	"	600*	"
400	"	700*	"
500	"	800*	"
600	"	900*	"
700	"	127,000*	"
800	"	100*	"
900	"	129,300	Airport Traffic Control
124,000	"	129,780	"
100	"	130,300	"
200	"	130,860	"
300	"	131,420	"
400	"	131,840	"
500	"	132,120	Aviation
600	"	133,940	"
700	"	135,200	"
800	"	136,320	"
900	"	137,020	"
125,000	"	138,280	"
100	"	138,980	"
200	"	139,820	"
300	"	140,520	"
400	"	141,220	"
500	"	141,780	Aviation U. S. & Can- ada Calling and work- ing.
600	"		

\*The national defense aeronautical services have priority. These frequencies may be used by civil aeronautical services on a secondary basis.

## APPENDIX IV

Appendix IV.

## ALLOCATIONS OF AND RESTRICTIONS ON CIVIL AERONAUTICAL FREQUENCIES BASED ON 400 WATTS CARRIER POWER

<i>Frequencies</i>	<i>Restrictions</i>	<i>Frequencies</i>	<i>Restrictions</i>
200	(C)	281	Not to be used within 200
203	(C)		miles of sea coast or
206	Not to be used by the		Great Lakes.
	U. S. within 450 miles	284	Not to be used within 400
	of Edmonton. (D)		miles of sea coast or
209	(A)		Great Lakes.
212	(A)	287	Not to be used within 600
215	Not to be used within 800		miles of sea coast or
	miles of sea coast. (B)		Great Lakes.
	(E)	290	"
218	(A) (C)	293	"
221	(A) (C)	296	"
224	(A)	299	"
227	(A)	302	"
230	None	305	"
233	None	308	"
236	None	311	"
239	None	314	"
242	None	317	Not to be used within 400
245	Not to be used within 800		miles of sea coast or
	miles of sea coast. (B)		Great Lakes.
	(E)	320	Not to be used within 200
248	None		miles of sea coast or
251	(A)		Great Lakes.
254	None	323	Not to be used within 800
257	(A)		miles of sea coast. (B)
260	None		(E)
263	None	326	None
266	None	329	None
269	(A)	332	None
272	(A)	335	None
275	Not to be used within 800	338	None
	miles of sea coast. (A)	341	None
	(B) (E)	344	(A)
278	None	347	None

<i>Frequencies</i>	<i>Restrictions</i>	<i>Frequencies</i>	<i>Restrictions</i>
350	None	376	Not to be used within 1000 miles of sea coast. (B)
353	Not to be used within 500 miles of sea coast. (E)		
356	Not to be used within 800 miles of sea coast. (B) (E)	379	Not to be used within 700 miles of sea coast. (B)
359	Not to be used within 200 miles of sea coast.	382	Not to be used within 400 miles of sea coast. (B)
362	None	385	Not to be used within 60 miles of sea coast. (B)
365	Not to be used within 60 miles of sea coast. (B)	388	Not to be used within 400 miles of sea coast. (B)
368	Not to be used within 400 miles of sea coast. (B)	391	Not to be used within 400 miles of sea coast. (B)
371	Not to be used within 700 miles of sea coast. (B)	394	Not to be used within 700 miles of sea coast. (B) (C)
374	Not to be used within 1000 miles of sea coast. (B)		

A. This or a frequency within 1 kilocycle is used by low powered stations in Alaska. Future assignments should not cause interference to these stations.

B. The use of this frequency for aeronautical purposes must not cause interference to marine services to which the frequency is primarily assigned. The mileage figure is given only as a guide and the aeronautical service can not claim protection from interference by marine services.

C. Frequencies 201, 219, and 396 KCS are used for special safety services throughout the continental United States and Alaska and are to be protected. Assignments on adjacent frequencies must not cause them interference.

D. This frequency is used by certain radio stations north of Edmonton and future assignments should not cause interference to these stations.

E. Interference to adjacent frequencies from mobile services afloat may be expected.



## APPENDIX V

Appendix V.

## FREQUENCY ASSIGNMENTS TO RADIO RANGE STATIONS IN THE UNITED STATES AND CANADA, AS OF JANUARY 14, 1938

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
200	(Army) Maxwell Field, Ala.	224	Corpus Christi, Texas; Bellefonte, Pa.; Birmingham, Ala.; Brookville, Pa.; Davenport, Iowa; Livingston, Mont.; Montezuma, Iowa; Mt. Shasta, Calif.; Oceanside, Calif.; San Diego, Calif.; Sunbury, Pa.; Tacoma, Wash.; Woodward, Pa.; Moncton (Can.)
203			
206	Las Vegas, Nev.; Mullan Pass, Idaho; Portland, Maine; Roanoke, Va.; Abilene, Texas; Roseburg, Ore.; Tampa, Fla.; Lansing, Mich.; Brownsville, Tex.		
209	McConnellsburg, Pa.; New Florence, Mo.; St. Louis, Mo.; Saugus, Calif.; Waynoka, Okla.; Parco, Wyo.; Stampede Pass, Wash.; New Hackensack, N. Y.; Lac La Biche (Can.)	227	Enterprise, Utah; Langley Field, Va.; Creston (Can.), Killaloe (Can.)
		230	Albuquerque, N. M.; Anton Chico, N. M.; Arlington, Ore.; Bismarck, N. D.; Boston, Mass.; Cascade Locks, Ore.; Detroit, Mich.; North Dalles, Wash.; Shreveport, La.; Langley Field, Va.; Waterways (Can.)
212	Adair, Iowa; Des Moines, Iowa; Mercer, Pa.; Montezuma, Iowa; Delta, Utah; Tucumcari, N. M.; Charlotte, N. C.; Austin, Tex.; Coleman (Can.)	233	Long Beach, Calif.; Somerset, Pa.; Savannah, Ga.; Oakland, Calif.; (Oakland to go in when Long Beach is discontinued on 233) Butte, Mont.; Hope (Can.); Ft. William (Can.) Quebec (Can.)
215	Custer, Mont.		
218			
221	Augusta, Maine; South Bend, Ind.; Bristol, Tenn.; Baker, Ore.; Selkirk (Can.)		

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
236	Vero Beach, Fla.; McCool, Ind.; Oakland, Calif.; (When simultaneous is installed)	254	Cambridge, Ohio; Humboldt, Nev.; Pittsburgh, Pa.; Reno, Nev.; Rodeo, N. M.; San Antonio, Texas; Springfield, Mo.; Superior, Mont.; Titusville, Fla.; Halifax (Can.).
239	Bangor, Maine; Chehalis, Wash.; Florence, S. C.; Meridian, Miss.; Montague, Calif.; Bakersfield, Cal.; Springfield, Ill.; Toledo, O.	257	Floyd Bennett, N. Y.; Knoxville, Tenn.; Joliet, Ill.; Baltimore, Md.; Earleton (Can.).
242	Alma, Ga.; Auburn, Calif.; Blue Canyon, Calif.; El Paso, Texas; Harrisburg, Pa.; Livermore, Calif.; Milwaukee, Wisc.; Oakland, Calif.; Potrero Hill, Calif.; Wagaming (Can.); Broadview (Can.); Cranbrook (Can.)	260	Buffalo, N. Y.; Cherokee, Wyo.; Cozad, Neb.; Easton, Wash.; Jackson, Miss.; Los Angeles, Calif.; Oceanside, Calif.; Palmdale, Calif.; Richmond, Va.; Seattle, Wash.; South Boston, Va.; Wink, Texas; Grand Island; Nebraska; Pembina, N. D.; New Glasgow (Can.).
245	(Navy) San Pedro, Calif.		
248	Amarillo, Texas; Anderson, S. C.; Charlotte, N. C.; Granger, Wyo. (to go to 382 kc); Mobile, Ala.; Spartanburg, S. C.; Strathburn (Can.); Terre Haute, Ind.; Wendover, Utah; Pagwa, (Can.); Montreal (Can.); Vancouver (Can.); Lethbridge (Can.); Winnipeg (Can.); Ft. Smith (Can.); White Horse (Can.).	263	Boston, Mass.; Medford, Ore.; Putnam, Conn.; Sexton Summit, Ore.; Scottfield, Ill. (Army); Galveston, Texas; Grantsville, Utah.
		266	Adairsville, Ga.; Anderson, S. C.; Atlanta, Ga.; Camden, N. J.; Canadian, Texas; Hager City, Wis.; Indianapolis, Ind.; Jefferson, Ga.; Lafayette, Ind.; Minneapolis, Minn.; Winslow, Ariz.; Golva, N. D.; Livermore, Calif.; Edmonton (Can.); Kapuskasing (Can.).
251	Blythe, Calif.; Concord, N. H.; Eugene, Ore.		

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
269	Ephrata, Wash.; Indio, Calif.; Connellsville, Pa. (War Dept.).	290	Granger, Wyo.; Otto, N. M.; Rock Springs, Wyo.; Chesterfield, Tenn.; Regina (Can.)
272	Burley, Idaho; King Hill, Idaho; Little Rock, Ark.; Miami, Fla.; Pulaski, Va.; Sterling, Ill.; Strevell, Idaho; March Field (Army); Duncan Field, S. A. Texas (Army); Randolph Field, Texas (Army); Putnam, Conn.; Reay (Can.); Slave Lake (Can.)	293	Grand Forks, (Can.).
275		296	Drummond, Mont.; Tulsa, Okla.; Rivers (Can.)
278	Alexandria, Minn.; Ashfork, Ariz.; Effingham, Ill.; El Morro, N. M.; Grand Forks, N. D.; Greenwood, Miss.; Guadalupe Pass, Tex.; Kirksville, Mo.; Lone Rock, Wis.; Navasota, Texas; Neosho, Mo.; Pocatello, Idaho; Tucumcari, N. M.; Tyertown, Miss.; Laramie, Wyo.; Mormon Mesa, Nev.; Mt. Shasta, Calif.; Needles, Calif.; Rochester, N. Y.; Utica, N. Y.; Grand Rapids, Mich.; Lafayette, Indiana; Tyler, Texas.	302	Locomotive Springs, Utah; Pueblo, Colo; Ft. Leavenworth (Army) Battleford
281	Calgary (Can.)	304	Nashville, Tenn.; Mont-eagle, Tenn.
284	Big Springs, Neb.; Cozad, Neb.; Louisville, Ky.; North Platte, Neb.; Columbus, N. M.; Whitehall, Mont.	305	
		308	Dickinson, N. D.; Missoula, Mont.; Anton Chico, N. M.
		311	
		314	Moran, Kansas; Sidney, Neb.; Malad, Idaho; Maple Creek (Can.); (to be replaced by Medicine Hat (Can.)). Swift Current, Sask. (Can.)
			Peace River (Can.); Advana, Mo.; Lynchburg, Va.; Gt. Falls, Mont.
287			Adair, Iowa; Allentown, Pa.; Coeur d'Alene, Idaho; Goshen, Ind.; Helmer, Ind.; Martins Creek, Pa.; McCool, Ind.; Milford, Utah; Miles City, Mont.; Omaha, Neb.; Texarkana, Ark.; Sioux Lookout (Can.).
		323	

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
326	Big Spring, Texas; Burlington, Iowa; Cheyenne, Wyo.; Jarvis, Ont. (Can.); Morse, Ill.; Phoenix, Ariz.; Williams, Calif.; Potrero Hill, Calif.; Pensacola (Navy); Mitchell Field (Army); Kenora (Can.); Saskatoon (Can.); Princeton (Can.); Blissville (Can.); Porquis (Can.); Lower Post (Can.).	344	Brookville, Pa.; Cleveland, Ohio; Fresno, Calif.; Jacksonville, Fla.; Jamestown, N. D.; Medicine Bow, Wyo.; Spring Bluff, Mo.; Vickery, Ohio; Warren, Ohio; Kelly Field, Texas (Army)
329	Belgrade, Mont.; Hartford, Conn.; Charleston, S. C.; Ardmore, Okla.	347	Gordonsville, Va.; Billings, Mont.; North Bay (Can.)
332	Cascade Locks, Ore.; Cassoday, Kansas; Castle Rock, Wash.; Houston, Texas; Key West, Fla.; Portland, Ore.; Palmdale, Calif.; Washington, D. C.; Wichita, Kansas; Medicine Hat (Can.); Sorel (Can.); Nakina (Can.); Ft. Nelson (Can.)	350	Ardmore, Okla.; Boise, Idaho; Chicago, Ill.; King Hill, Idaho; Kingman, Ariz.; Lafayette, Ind.; Morse, Ill.; Oklahoma City, Okla.; Raleigh, N. C.; Syracuse, N. Y.; Weiser, Idaho.
335	Cincinnati, Ohio; Milroy, Ind.; Warsaw, Ky.; Sacramento, Calif.; Oliver (Can.); Ottawa (Can.)	353	Morse, Ill.
338	New Orleans, La.; Rockford, Ill.; Salt Lake City, Utah; Tucson, Ariz.; Martinsburg, Pa.	359	Archbold, Ohio (to go to 278); Buckstown, Pa.; (will be moved to Somerset); Idaho Falls, Idaho; Kansas City, Mo.; Knoxville, Mo.
341	Adairsville, Ga.; Arlington, Ore.; Chattanooga, Tenn.; Dallas, Texas; Elizabeth, N. J.; La Grande, Ore.; Mont-eagle, Tenn.; Pendleton, Ore.; Santa Ana, Calif.	362	Akron, Ohio; Tintic, Utah; Red Bluff, Calif.; Megantic (Can.).
		365	Albany, N. Y.; Ardmore, Okla.; Charlotte, N. C.; Columbiaville, N. Y.; Daggett, Calif.; Fargo, N. D.; Ft. Worth, Texas; Gainesville, Texas; Greensboro, N. C.; New Hackensack, N. Y.; Palmdale, Calif.; Santo, Texas; So. Boston, Va.; Spokane, Wash.; Rantoul, Ill. (Army).

<i>Frequency</i>	<i>Stations</i>	<i>Frequency</i>	<i>Stations</i>
368	Aberdeen, Md.; Smith's Grove, Ky.; Akron, Col.; Toronto (Can.).	385	Blue Canyon, Calif.; Easton, Wash.; Ellensburg, Wash.; Elmira, N. Y.; Peoria, Ill.; Waco, Texas; Donner Summit, Calif.; Macon, Ga.
371	Buffalo Valley, Nev.; Dunkirk, N. Y.; Erie, Pa.; Hager City, Wis.; LaCrosse, Wis.; Helena, Mont.; Memphis, Tenn.; Perry, Ohio; Acomita, N. M.	388	Dubois, Idaho; Bolling Field (Army), March Field (Army), Selfridge Field, (Army), Smithville, Tenn.; Enders, Neb.
379	Columbia, Mo.; New Florence, Mo.; Denver, Col.; Wright Field (Army) Dillon, Mont.	391	Beowawe, Nev.; Cambridge, Ohio; Columbus, Ohio; Elko, Nev.; Hayesville, Ohio; Humboldt, Nev.; Lebo, Kansas; Ventosa, Nev.
382	Knight, Wyo.	394	

## Note:

FREQUENCIES NOT YET SELECTED FOR THE FOLLOWING STATIONS:

Sudbury (Can.)  
 Sault St. Mary (Can.)  
 Prescott (Can.)  
 Belleville (Can.)  
 Ft. Myer, Florida  
 Lewiston, Montana  
 Gardner, Kansas  
 Victoria, Va.  
 Saltillo, Texas  
 Brinkley, Arkansas  
 Arkadelphia, Arkansas  
 Monroe, Louisiana  
 St. Joseph, Missouri  
 Walla Walla, Washington  
 Deer Lodge, Montana  
 Bloomington, Illinois  
 Springfield, Mass.  
 Salem, Oregon  
 Kalamazoo, Michigan  
 Lincoln, Nebraska  
 Ponca City, Oklahoma  
 Flint, Michigan  
 Big Timber, Montana  
 Madison, Wisconsin  
 Mountain Home, Idaho  
 Twin Falls, Idaho  
 Ventosa, Nevada  
 St. Peter, Minnesota  
 West Union, Ohio  
 Sutton, W. Va.  
 Petersburg, W. Va.  
 Crowley, La.

Eldorado, Oklahoma  
Barnett, Georgia  
Glens Falls, New York  
Rouses Point, New York  
Everett, Washington  
Wagon Mound, New Mexico  
Lodge Grass, Montana  
Upham, Texas  
Conrad, Montana  
Siam, California  
Coldwater, Michigan  
Sioux City, Iowa  
Jackson, Minnesota  
Huntington, W. Va.  
Charleston, W. Va.  
Elkin, W. Va.  
Front Royal, W. Va.  
Beaumont, Texas  
Lake Charles, La.  
Baton Rouge, La.  
Claredon, Texas  
Wichita Falls, Texas  
Madison, Georgia  
Augusta Georgia  
Ticonderoga, New York  
Burlington, Vermont  
Bellingham, Washington  
Santa Fe, New Mexico  
Trinidad, Colorado  
Las Vegas, New Mexico  
Sheridan, Wyoming  
Buffalo, Wyoming  
Casper, Wyoming  
Douglas, Wyoming  
Carancahua, Texas  
Socorro, New Mexico  
Sioux Falls, South Dakota  
Huron, South Dakota  
Aberdeen, South Dakota  
Bischof, North Dakota  
Ft. Wayne, Indiana  
Sweet Grass  
York, Pennsylvania  
Williamsport, Pa.  
Olean, New York  
Scotts Bluff, South Dakota  
Hot Springs, South Dakota  
Philip, South Dakota  
Pierre, South Dakota  
Brookings, South Dakota  
Redwood Falls  
Parkersburg, W. Va.  
South Rim, Arizona  
Pierces Ferry, Utah  
Death Valley, Calif.  
Independence, Calif.  
Millinocket, Maine  
Houlton, Maine  
Caribou, Maine  
Stockville, Nebraska

*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 38

CANADIAN LEGATION

WASHINGTON

February 20, 1939

SIR:

I have the honour to acknowledge the receipt of your note of February 20th 1939 in which you communicated to me the terms of a Canadian-United States Regional Arrangement Governing the Use of Radio for Civil Aeronautical Services, as understood by you to have been agreed to in the negotiations, now terminated, between the Government of Canada and the Government of the United States of America. Agreement by  
Canada.

2. The terms of this Arrangement which you have communicated to me are as follows:

CANADIAN-UNITED STATES REGIONAL ARRANGEMENT GOVERNING  
THE USE OF RADIO FOR CIVIL AERONAUTICAL SERVICES.

Article I. *Scope*: The present arrangement between Canada and the United States concerns primarily the radio communication service of civil aeronautics and civil air navigation services. Except for Article XIII, the subject matter of this arrangement is confined to the frequencies 200-400 kc. and above 30,000 kc. Services other than civil aeronautical which may incidentally be involved from the standpoint of interference to and by the civil aeronautical radio services are treated in Article XVII. Nothing in this arrangement shall be construed as lessening in any manner or to any degree the rights enjoyed by the national defense services of either country.

Article II. *Application*: Nothing in the present arrangement shall contravene the pertinent portions of the International Telecommunication Convention, Madrid, 1932; the radio regulations annexed thereto to which the parties to this arrangement have subscribed; the Inter-American Radio Communications Convention, Habana, 1937, and the Inter-American Arrangement on Radio Communications, Habana, 1937, or such documents as may supplant them as a result of subsequent conferences.

Article III. *Standardization*: In order that international flying may be facilitated, the standardization and use of aeronautical radio facilities are provided for in this arrangement. Appendix I lists the standard classes of aeronautical radio aids approved for service operation.

Article IV. *Geographical Spacing of Aeronautical Stations*: In accordance with the general principles governing the economical use of the available channels, assignments shall be duplicated with a minimum practicable geographical separation between stations as determined by permissible ratio of interfering signal to desired signal, characteristics of the frequencies in use, and the areas of operation of the stations concerned.

Article V. *Sharing of Channels*: The principle of the sharing of frequencies which are made available for aeronautical services by international convention is fully recognized, particularly, however, with respect to those allocated to such services by the Inter-American Arrangement Concerning Radio Communications, Habana, 1937. Recognition is given, however, to the priority of existing services as set forth in Article XVII and Appendix IV. In general, assignments to a new station shall be treated as an individual problem to be solved by engineering methods.

Article VI. *Field Intensity*: In order that radio interference beyond the service area may be reduced to a minimum, radiated power should ordinarily be adjusted to a value consistent with a normal required field intensity within the prescribed area in which it is desired to render service.

BAND 200-400 KC.

Article VII. *Geographical Spacing*: In the case of radio range stations in the band 200-400 kc., the geographical spacing of the stations shall be not less than that prescribed in the curve shown in Appendix II. For powers other than four hundred watts, the distances shown in Appendix II shall be modified accordingly.

Article VIII. *Standardization of Quadrant Signals*: For uniformity and for purpose of course orientation, the characteristic "N" shall be utilized in the quadrant through which the true north line passes, except when the northerly course is true north, in which case the characteristic signal "N" should be in the northwest and southeast quadrants. The "A" signal should always fall in the quadrants adjacent to those occupied by the "N" signal.

Article IX. *Identification Signals*: The identification signal employed to identify individual radio range stations shall consist of two letters and shall be assigned without duplication. Where practicable, the signal used to establish the identity of radio facilities at any particular point should correspond to the designator for weather reports from the same station.

Article X. *Spacing and Assignment of Channels*: The channel spacing for radio range transmitters in the band 200-400 kc. shall be 3 kc. and the radio range channels shall be as set out in Appendix IV.

The frequency assignments to the radio range stations in Canada and the United States shall be set out as in Appendix V.

BAND ABOVE 30,000 KC.

Article XI. *Development in Communication*: It is recognized that many services of aeronautics may be accommodated in the band above 30,000 kc. It is further recognized that the use of such frequencies for aviation purposes is still on an experimental basis.

The Parties accordingly agree to cooperate in the development of the use of this ultra high frequency band so that frequencies of the same order may be used for similar purposes throughout Canada and



the United States and that the table shown in Appendix III shall be used as a guide when making assignments in this band for aeronautical use.

Article XII. *Ultra High Calling and Working Frequency*: If and when ultra high frequencies come into use for aeronautical purposes, 141,780 kc. shall be designated as a calling and working frequency from plane to ground.

#### GENERAL PROVISIONS

Article XIII. *Normal Calling and Working Frequencies*: It is agreed that Canada and the United States will use 3105 kc. as the international calling and working frequency for use by itinerant aircraft and for emergency use by transport aircraft. 6210 kc. will also be used for secondary purposes as a calling and working frequency, available to itinerant and other aircraft by arrangement, when the circumstances are such as to make the use of 3105 kc. unsuitable.

Article XIV. *Specific Allocation of Airport Control Frequency*: The frequency 278 kc. will continue to be used as an airport control frequency with the expectation that after January 1, 1939 no new assignments to airport control stations on this frequency will be made unless there is installed for simultaneous use facilities for operation on frequencies between 129 and 132 megacycles. It is further proposed that the use of 278 kc. for airport control purposes may be discontinued after January 1, 1940 and replaced by frequencies between 129 and 132 megacycles.

Article XV. *Exchange of Information*: Information pertaining to civil aeronautics including frequency assignments, power, location of stations, identification signals and course orientation shall be exchanged directly between the administrative agencies of the two Parties.

Article XVI. *Infringements*: The Parties undertake to inform each other concerning any infringement of the provisions of this arrangement in order to facilitate corrective action.

Article XVII. *Services Other Than Civil Aeronautical*:

a. *National Defense*: This arrangement recognizes the paramount requirements of national defense as established by Article 39 of the International Telecommunication Convention, Madrid, 1932, and by such national legislation in harmony therewith as has been or may in future be enacted.

b. *Marine Radiobeacons* are recognized as operating in Canada and the United States in the band 285–315 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radiobeacons along the seacoasts and on the Great Lakes.

c. *Marine Direction-Finding Service* is recognized as operating in Canada and the United States in the band 365–385 kc. as provided in the Madrid Telecommunication Convention and the General Radio

Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine radio direction-finding services.

d. *Marine Communication Services* are recognized as operating in Canada and the United States on certain frequencies between 385 and 400 kc. as provided in the Madrid Telecommunication Convention and the General Radio Regulations annexed thereto. The use for aeronautical purposes of these frequencies or immediately adjacent frequencies shall be restricted to locations and powers which will not cause interference with marine communication services.

#### CONCLUSION

Article XVIII. *Abrogation*: It is mutually agreed that all existing informal undertakings between the Parties or the administrative agencies thereof with respect to radio allocations to aeronautical services provided for herein, are hereby superseded and become inoperative upon the effective date of this arrangement regardless of any contrary provisions for denunciation which may appear in such existing agreements.

Article XIX. *Effective Date*: The effective date of this arrangement shall be established at the time of the exchange of notes effectuating it.

Article XX. *Amendment*: The appendices to the present arrangement, but not the arrangement itself, may be amended by mutual agreement of the authorized agencies of the Parties hereto.

Article XXI. *Denunciation*: The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

3. I also acknowledge the receipt of the enclosures to your note under reference consisting of the appendices to the proposed Arrangement which under the terms of Article XX thereof may be amended by mutual agreement of the authorized agencies of the Parties thereto.

4. I am instructed to state that the terms of the Arrangement as communicated to me are agreed to by my Government. I am further instructed to inform you that my Government concurs in your suggestion that the Arrangement become effective as of the date of this Exchange of Notes and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M MARLER

The Honourable CORDELL HULL

*Secretary of State of the United States*

*Washington, D. C.*

*Provisional commercial agreement between the United States of America and Chile. Effected by exchange of notes, signed February 20 and 24, 1939; effective provisionally February 1, 1939.*

February 20, 24, 1939  
[E. A. S. No. 144]

*The American Ambassador (Armour) to the Chilean Minister for Foreign Affairs (Ortega)*

No. 205. EMBASSY OF THE UNITED STATES OF AMERICA  
*Santiago, February 20, 1939.*

EXCELLENCY:

I have the honor to confirm to Your Excellency the terms of the provisional commercial agreement which our respective Governments have agreed to establish pending the negotiation of a more comprehensive commercial agreement or of a definitive treaty of friendship, commerce and navigation, as follows:

Provisional commercial agreement with Chile.

1. The contracting parties agree to concede reciprocally unconditional and unlimited most favored nation treatment in all that concerns customs duties and all accessory imposts, the manner of applying duties as well as the rules and formalities to which customs operations can be submitted.

Most favored nation treatment.

2. In the event that the Government of the United States of America or the Republic of Chile establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, it shall allot to the other country during any quota period a share of the total quantity of any such article permitted to be imported or sold or permitted to be imported or sold at such lower duty or charge which is equivalent to the proportion of the total importation of such article which such other country supplied during a previous representative period, unless it be mutually agreed to dispense with such allocation.

Allocation where quantitative restriction, etc., established.

Where lower rate imposed on portion of imports, etc.

3. a) The Government of Chile confirms its previous declarations and reiterates that it will take the steps necessary to abolish, as soon as its international economic position permits it to do so, the exchange control measures affecting the transfer of payments for articles the growth, produce or manufacture of the United States of America.

Exchange control measures.

b) Until such time the Government of Chile will avoid exchange control measures involving the use of exchange at rates higher than those which would be set by the free supply and demand of the market.

4. It is understood that the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal

Exceptions to provisions of Agreement.

Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement; and this Agreement shall not apply in respect of advantages now accorded or which may hereafter be accorded by the United States of America or the Republic of Chile to adjacent countries in order to facilitate short frontier traffic.

Restrictions on moral, sanitary, etc., grounds.

5. Nothing in this Agreement shall be construed as a limitation of the right of either country to impose on such terms as it may see fit prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal or plant health or life; (3) relating to prison made goods; (4) relating to the enforcement of police or revenue laws; or (5) relating to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Arms and munitions control.

Termination of existing agreement.  
47 Stat. 2682.

6. The agreement between the United States of America and the Republic of Chile signed September 28, 1931, shall terminate, if it will not have already automatically terminated, on the day on which the present agreement comes into force.

Date of coming into force; duration.

7. The present agreement shall come into force definitively thirty days after the date on which it is ratified by the Chilean Congress and shall continue in force until superseded by a more comprehensive commercial agreement or by a definitive treaty of friendship, commerce and navigation, or until denounced by the Government of either country by advance written notice of not less than thirty days.

Denunciation.

Provisional date of coming into force; duration.

8. Pending ratification by the Chilean Congress, the present agreement shall come into force provisionally on February 1, 1939, and, unless terminated in the manner provided in numbered paragraph seven of the present agreement, shall remain in provisional effect until after the expiration of one year, whichever date occurs first. If the agreement has not come into force definitively after expiration of one year from February 1, 1939, it may within the discretion of both governments be signed again and by this means be continued in provisional effect.

Continuance.

Immediate initiation of negotiations for treaty.

9. Both governments undertake immediately to initiate negotiations for the conclusion of a treaty of friendship, commerce and navigation.

Accept, Excellency, the assurances of my highest and most distinguished consideration.

NORMAN ARMOUR

His Excellency

Señor don ABRAHAM ORTEGA,

*Minister for Foreign Affairs,*

*Santiago.*

*The Chilean Minister for Foreign Affairs (Ortega) to the American  
Ambassador (Armour)*

REPÚBLICA DE CHILE

MINISTERIO

DE RELACIONES EXTERIORES

cdib/sgp.

SECCION POLITICA COMERCIAL.

No. 1592

SANTIAGO, 24 de Febrero de 1939.

SEÑOR EMBAJADOR:

Tengo el honor de confirmar a V. E. los siguientes términos del Convenio Provisional de Comercio que nuestros respectivos Gobiernos han acordado establecer mientras se concluyen las negociaciones de un acuerdo comercial más comprensivo o de un Tratado de Amistad, Comercio y Navegación.

1º.—Las Partes Contratantes acuerdan concederse recíprocamente el tratamiento incondicional e ilimitado de la nación más favorecida en todo cuanto concierne a derechos aduaneros y demás gravámenes accesorios, a la manera de aplicar los derechos como, asimismo, a las reglas y formalidades a que pueden ser sometidas las operaciones de aduana.

2º.—En caso de que el Gobierno de los Estados Unidos de América o el de la República de Chile establezcan o mantengan cualquier forma de restricción cuantitativa o control de importación o venta de cualquier artículo en el cual el otro país tenga interés, o impongan a la importación o venta de una cantidad determinada de cualquiera de tales artículos un derecho o gravámen menores que los derechos o gravámenes impuestos a las importaciones que excedan de tal cantidad, se concederá al otro país, durante cualquier período de cuota una participación en la cantidad total de cualquiera de dichos artículos que se permita importar o vender con tales derechos o gravámenes menores, equivalente a la proporción de la importación total de tal artículo que dicho país abasteció durante un período representativo anterior, a menos que se convenga mutuamente desentenderse de tal concesión.

3º.—a) El Gobierno de Chile confirma sus declaraciones anteriores y reitera que tomará las disposiciones necesarias para abolir, tan pronto su posición económica internacional se lo permita, las medidas de control de cambios que afectan la transferencia de pagos por artículos cultivados, producidos o manufacturados en los Estados Unidos de América.

b) Entre tanto, el Gobierno de Chile evitará las medidas de control de cambios que importen el uso de cambios a tipos superiores de aquellos que se fijarían por la libre oferta y demanda del mercado.

4º.—Queda entendido que las ventajas ahora otorgadas o que puedan otorgarse más adelante por los Estados Unidos de América, sus territorios o posesiones, las Islas Filipinas o la Zona del Canal de Panamá entre sí o a la República de Cuba, quedarán exceptuadas de los efectos

de este Acuerdo; y este Acuerdo no se aplicará respecto de las ventajas ahora otorgadas o que puedan otorgar más tarde los Estados Unidos de América o la República de Chile a los países adyacentes con el objeto de facilitar el pequeño tráfico fronterizo.

5º.-Ninguna de las disposiciones de este Acuerdo será interpretada como una limitación al derecho de cualquiera de los países para imponer, en los términos que crean convenientes, prohibiciones o restricciones (1) impuestas por razones morales o humanitarias; (2) destinadas a proteger la salud o vida humana, animal o vegetal; (3) relativas a artículos manufacturados en las prisiones; (4) referentes al cumplimiento de Leyes de policía o de impuestos; o (5) acerca del control de la exportación o venta para la exportación de armamentos, municiones o implementos de guerra y, en circunstancias excepcionales, todos los demás materiales de guerra.

6º.-Los Acuerdos entre los Estados Unidos de América y la República de Chile, suscritos el 28 de Setiembre de 1931, caducarán el día de la entrada en vigor del presente Convenio si no han caducado ya automáticamente.

7º.-El presente Acuerdo entrará en vigor definitivamente 30 días después de la fecha en que sea aprobado por el Congreso de Chile y continuará vigente hasta que sea reemplazado por un Convenio Comercial más comprensivo o por un Tratado definitivo de Amistad, Comercio y Navegación, o hasta que sea denunciado por el Gobierno de cualquiera de los dos países con un aviso por escrito dado con no menos de treinta días de anticipación.

8º.-El presente Convenio entrará en vigor provisional, mientras se obtiene la aprobación del Congreso chileno, el 1º de Febrero de 1939, y continuará en vigencia provisional hasta la expiración del plazo de un año, salvo que antes se le haya dado término en la forma prevista en el párrafo séptimo. Si el Convenio no ha entrado definitivamente en vigor al término de un año a contar del 1º de Febrero de 1939, podrá, a discreción de cualquiera de los dos Gobiernos, ser renovado y en esta forma podrá continuar en vigencia provisional.

9º.-Ambos Gobiernos se comprometen a iniciar inmediatamente negociaciones para la celebración de un Tratado de Amistad, Comercio y Navegación.

Acepte Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

ABRAHAM ORTEGA

Al Excmo. Señor NORMAN ARMOUR,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos.*

*Presente.*

[Translation]

REPUBLIC OF CHILE  
MINISTRY  
FOR FOREIGN AFFAIRS  
cdib/sgp.  
COMMERCIAL POLICY SECTION

No. 1592

SANTIAGO, *February 24, 1939.*

MR. AMBASSADOR:

I have the honor to confirm to Your Excellency the terms of the provisional commercial agreement which our respective Governments have agreed to establish pending the negotiation of a more comprehensive commercial agreement or of a treaty of friendship, commerce, and navigation, as follows:

Confirmation by  
Chile.

1. The contracting parties agree to concede reciprocally unconditional and unlimited most-favored-nation treatment in all that concerns customs duties and all accessory imposts, the manner of applying duties as well as the rules and formalities to which customs operations can be submitted.

2. In the event that the Government of the United States of America or the Republic of Chile establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, it shall allot to the other country during any quota period a share of the total quantity of any such article permitted to be imported or sold or permitted to be imported or sold at such lower duty or charge which is equivalent to the proportion of the total importation of such article which such other country supplied during a previous representative period, unless it be mutually agreed to dispense with such allocation.

3. a) The Government of Chile confirms its previous declarations and reiterates that it will take the steps necessary to abolish, as soon as its international economic position permits it to do so, the exchange-control measures affecting the transfer of payments for articles the growth, produce, or manufacture of the United States of America.

b) Until such time the Government of Chile will avoid exchange-control measures involving the use of exchange at rates higher than those which would be set by the free supply and demand of the market.

4. It is understood that the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this agreement; and this agreement shall not apply in respect of advantages now accorded or which may hereafter be accorded by the United States of America or the Republic of Chile to adjacent countries in order to facilitate short frontier traffic.

5. Nothing in this agreement shall be construed as a limitation of the right of either country to impose on such terms as it may see fit prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal, or plant health or life; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws; or (5) relating to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

6. The agreements between the United States of America and the Republic of Chile signed September 28, 1931, shall terminate, if they have not already automatically terminated, on the day on which the present agreement comes into force.

7. The present agreement shall come into force definitively 30 days after the date on which it is ratified by the Chilean Congress and shall continue in force until superseded by a more comprehensive commercial agreement or by a definitive treaty of friendship, commerce, and navigation, or until denounced by the Government of either country by advance written notice of not less than 30 days.

8. Pending ratification by the Chilean Congress, the present agreement shall come into force provisionally on February 1, 1939, and, unless previously terminated in the manner provided in the seventh paragraph, shall remain in provisional effect until the expiration of the period of 1 year. If the agreement has not come into force definitively at the expiration of 1 year from February 1, 1939, it may within the discretion of either of the two Governments be renewed and by this means be continued in provisional effect.

9. Both Governments undertake immediately to initiate negotiations for the conclusion of a treaty of friendship, commerce, and navigation.

Accept, Excellency, the assurances of my highest and most distinguished consideration.

ABRAHAM ORTEGA

To His Excellency Mr. NORMAN ARMOUR,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States,  
City.*



*Agreement between the United States of America and Germany concerning the exchange of parcel post, with regulations of execution. Signed at Berlin February 6, 1939 and at Washington March 16, 1939; approved by the President March 25, 1939.*

February 6, 1939  
March 16, 1939

Postpaketabkommen  
zwischen  
der Deutschen Reichspost und der  
Postverwaltung der Vereinigten  
Staaten von Amerika.

Agreement  
between  
the United States of America and  
Germany concerning the Exchange  
of Parcel Post.

Die Unterzeichneten, der Deutsche Reichspostminister Dr. Ohnesorge und James A. Farley Generalpostmeister der Vereinigten Staaten von Amerika, haben jeder kraft seines Amtes das folgende Abkommen über den Austausch von Postpaketen zwischen dem Deutschen Reich und den Vereinigten Staaten von Amerika (einschliesslich Alaska, Hawaii, Porto Rico, Guam, Samoa und der Virginischen Inseln der Vereinigten Staaten) abgeschlossen.

For the purpose of concluding an agreement for the exchange of parcel-post packages between the United States of America (including Alaska, Hawaii, Puerto Rico, Guam, Samoa, and the U. S. Virgin Islands) and Germany, the undersigned James A. Farley Postmaster General of the United States and Dr. Ohnesorge Deutscher Reichspostminister, by virtue of authority vested in them, have agreed upon the following articles:

Agreement with  
Germany concerning  
exchange of parcel  
post.

#### ARTIKEL I.

#### ARTICLE I.

##### *Gegenstand des Abkommens.*

##### *Object of the Agreement.*

Unter der Bezeichnung "Postpakete" können zwischen dem Deutschen Reich und den Vereinigten Staaten von Amerika Pakete bis zu dem im folgenden Artikel angegebenen Gewicht und Grössenmass ausgetauscht werden.

Between the United States of America and Germany there may be exchanged under the denomination of parcel post, parcels up to the maximum weight and dimensions indicated in the following Article.

Object.

#### ARTIKEL II.

#### ARTICLE II.

##### *Gewichts- und Ausdehnungsgrenzen.*

##### *Limits of weight and size.*

1. Pakete sind bis zum Gewicht von 20 Kilogramm (vierundvierzig Pfund) zugelassen. Ihre Ausdehnung darf folgende Masse nicht überschreiten: Länge 105 Zentimeter (drei Fuss sechs Zoll), Länge und grösster, nicht in der Längsrichtung gemessener Umfang zusammen 180 Zentimeter (sechs

1. No parcel shall exceed forty-four pounds (twenty kilograms) in weight, three feet six inches (one hundred five centimeters) in length, or six feet seven inches (two hundred centimeters) in length and girth combined; provided, however, that parcels exceeding six feet (one hundred

Limits of weight  
and size.

Fuss) oder bei einer Länge bis zu 75 Zentimeter (dreissig Zoll) Länge und grösster, nicht in der Längsrichtung gemessener Umfang zusammen 200 Zentimeter (sechs Fuss sieben Zoll).

Die oben erwähnten Gewichts- und Ausdehnungsgrenzen können jeweils im gegenseitigen Einverständnis durch Schriftwechsel geändert werden.

2. Für die richtige Berechnung des Gewichts und der Ausdehnungen eines Pakets ist die Ansicht der Aufgabeverwaltung massgebend, es sei denn, dass offenbar ein Irrtum vorliegt.

eighty centimeters) in combined length and girth be restricted in length to thirty inches (seventy-five centimeters).

The limits of weight and maximum dimensions stated above may be changed from time to time by agreement made through correspondence.

2. In regard to the exact calculation of the weight and dimensions, the indications furnished by the dispatching Office will be accepted, save in the case of obvious error.

### ARTIKEL III.

#### *Durchgangspakete.*

Right of transit.

1. Jede der beiden Verwaltungen gewährleistet die Freiheit des Durchgangs durch ihr Gebiet für Pakete die aus dem andern vertragschliessenden Land nach einem dritten Lande, mit welchem sie einen Postpaketdienst unterhält oder aus einem solchen dritten Lande nach dem andern vertragschliessenden Land bestimmt sind.

Acceptance for onward transmission.

2. Um zur Durchgangsbeförderung zugelassen zu werden, müssen die Pakete, die von einer der vertragschliessenden Verwaltungen durch das Gebiet der anderen befördert werden sollen, den jeweils vorgeschriebenen Paketversendungsbedingungen der Zwischenverwaltung entsprechen.

### ARTICLE III.

#### *Transit parcels.*

1. Each Administration guarantees the right of transit over its territory, to or from any country with which it has parcel-post communication, of parcels originating in or addressed for delivery in the territory of the other contracting Administration.

2. To be accepted for onward transmission, parcels sent by one of the contracting Administrations through the service of the other Administration must comply with the conditions prescribed from time to time by the intermediary Administration.

### ARTIKEL IV.

#### *Freimachung. Gebühren.*

Prepayment of postage.

1. Die Freigebühen für die Pakete müssen ausser bei nachgeschandten oder zurückgeschandten Paketen vorausbezahlt werden.

Rates.

2. Die Aufgabeverwaltung ist berechtigt, vom Absender jedes Pakets die jeweils nach ihren Bestimmungen vorgeschriebene Beförderungsgebühr zu erheben.

### ARTICLE IV.

#### *Prepayment of postage. Rates.*

1. The prepayment of the postage on parcels shall be compulsory, except in the case of redirected or returned parcels.

2. The Administration of origin is entitled to collect from the sender of each parcel the postage prescribed from time to time by its regulations.

## ARTIKEL V.

## ARTICLE V.

*Gebühren.**Rates.*

1. Für gewöhnliche Pakete oder Wertpakete nach Deutschland sind zu zahlen:

0.60 Goldfrank für jedes Paket bis zu 1 kg (2 Pfund);

1.00 Goldfrank für jedes Paket über 1 bis 5 kg (11 Pfund);

2.00 Goldfranken für jedes Paket über 5 bis 10 kg (22 Pfund);

3.00 Goldfranken für jedes Paket über 10 bis 15 kg (33 Pfund);

4.00 Goldfranken für jedes Paket über 15 bis 20 kg (44 Pfund).

Bei Paketen aus den Vereinigten Staaten von Amerika im Durchgang durch Deutschland betragen die deutschen Landanteile 30, 50, 100, 150 und 200 Goldcentimen für Pakete im Gewicht von 1, 5, 10, 15 und 20 kg.

2. Für gewöhnliche Pakete oder Wertpakete nach den Vereinigten Staaten von Amerika oder ihren Besitzungen sind folgende, nach dem Gesamt eingewicht berechnete Gebühren zu zahlen:

0.70 Goldfrank für jedes kg eines Pakets nach den Vereinigten Staaten von Amerika;

0.70 Goldfrank für jedes kg eines Pakets nach Alaska;

0.35 Goldfrank für jedes kg eines Pakets nach Hawaii, Guam, Samoa, Porto Rico und den Virginischen Inseln der Vereinigten Staaten von Amerika.

3. Für gewöhnliche Pakete oder Wertpakete nach den Besitzungen der Vereinigten Staaten von Amerika, ferner für Durchgangspakete sind ausserdem an die Vereinigten Staaten folgende, nach dem Gesamt eingewicht jedes Kartenschlusses berechnete Durchgangsgebühren zu zahlen:

0.70 Goldfrank für jedes kg eines Pakets bei Seebeförderung;

1. For each parcel, ordinary or insured, sent to Germany, payment shall be made as follows:

0.60 gold franc per parcel not exceeding 1 kg (2 lbs) in weight;

1.00 gold franc per parcel over 1 and not exceeding 5 kg (11 lbs) in weight;

2.00 gold francs per parcel over 5 and not exceeding 10 kg (22 lbs) in weight;

3.00 gold francs per parcel over 10 and not exceeding 15 kg (33 lbs) in weight;

4.00 gold francs per parcel over 15 and not exceeding 20 kg (44 lbs) in weight.

On parcels sent from the United States of America in transit through Germany the German Post Office is entitled to receive 30, 50, 100, 150, and 200 gold centimes for parcels not exceeding 1, 5, 10, 15, and 20 kg respectively.

2. For each parcel, ordinary or insured, sent to the United States of America or to its possessions, payment shall be made as follows, based on the bulk net weight of each dispatch:

0.70 gold franc per kg for parcels for the United States of America;

0.70 gold franc per kg for parcels for Alaska;

0.35 gold franc per kg for parcels for Hawaii, Guam, Samoa, Puerto Rico, and the U. S. Virgin Islands.

3. In addition, there shall be paid the following transit charges for parcels, ordinary or insured, for the possessions of the United States of America and for transit parcels, based on the bulk net weight of each dispatch:

0.70 gold franc per kg when only sea service is provided;

Rates.

Transit charges.

1.15 Goldfrank für jedes kg eines Pakets bei Landbeförderung;  
1.50 Goldfrank für jedes kg eines Pakets bei Land- und Seebeförderung.

1.15 gold francs per kg when only land service is provided;  
1.50 gold francs per kg when both land and sea service are provided.

Allowance for insured parcels.

4. Für Wertpakete hat die Aufgabeverwaltung der Bestimmungsverwaltung ausserdem für die Landbeförderung eine Gebühr von 10 Goldcentimen für jedes Wertpaket mit einer Wertangabe bis zu 500 Goldfranken und 20 Goldcentimen für jedes Wertpaket mit einer Wertangabe über 500 bis 1000 Goldfranken zu vergüten. Wenn die Bestimmungsverwaltung Seebeförderung ausführt, hat die Aufgabeverwaltung eine Zusatzgebühr von 20 Goldcentimen für jedes Wertpaket mit einer Wertangabe bis zu 500 Goldfranken und 40 Goldcentimen für jedes Wertpaket mit einer Wertangabe über 500 bis 1000 Goldfranken zu vergüten.

4. Moreover, in respect of insured parcels the Postal Administration of the country of origin shall allow to the Postal Administration of the country of destination for territorial service a rate of 10 gold centimes for each insured parcel with insured value up to 500 gold francs and 20 gold centimes for each insured parcel with insured value over 500 up to 1000 gold francs. If the Administration of the country of destination provides the sea service, the Administration of the country of origin shall allow an additional rate of 20 gold centimes for each insured parcel with insured value up to 500 gold francs and 40 gold centimes for each insured parcel with insured value over 500 up to 1000 gold francs.

Sea service provisions.

Right to vary territorial rates.

5. Jede Postverwaltung behält sich das Recht vor, ihre Landanteile zu ändern, wenn irgendeine Änderung dieser Gebühren in ihrem Dienst mit andren Ländern allgemein eingeführt wird.

5. Each Postal Administration reserves the right to vary its territorial rates in accordance with any alteration of these charges which may be decided upon in connection with other countries generally.

Jede der beiden Verwaltungen soll der andern drei Monate vorher die Änderung der Endanteile, der Durchgangsgebühren und der Seeanteile mitteilen. Die Ermässigung oder Erhöhung muss mindestens ein Jahr gelten.

Either Administration shall give notice to the other three months in advance of its intention to vary the terminal quotas and transit charges and the sea rates. The reduction or increase shall remain in force for at least one year.

#### ARTIKEL VI.

#### ARTICLE VI.

##### Seegebühr.

##### Sea rate.

Sea rate.

Jede der beiden Verwaltungen ist berechtigt, die Gebühr für die von ihr besorgte Seebeförderung festzusetzen.

Each of the two Postal Administrations shall be entitled to fix the rate for any sea service which it provides.

Für Pakete, die von einem Land nach dem andern auf dem unmittelbaren Seeweg befördert werden, vergütet die Postverwaltung des Ursprungslandes der Postverwaltung des Bestimmungslandes den Seeanteil, wenn die zuletzt bezeichnete Verwaltung für die Seebeförderung sorgt.

For parcels sent by sea direct from one country to the other the Post Office of the country of origin pays to the Post Office of the country of destination the sea rate, if the latter Office provides for the sea service.

## ARTIKEL VII.

## ARTICLE VII.

*Verzollungspostgebühr.**Fee for customs clearance.*

Das Zustellpostamt kann vom Empfänger für die Zuführung zum Zoll und die Verzollung eines Pakets oder für die bloße Zuführung zum Zoll eine Gebühr von höchstens 50 Goldcentimen erheben. Diese Gebühr kann in Übereinstimmung mit künftigen Vereinabkommen, die dem Abkommen von Kairo von 1934 folgen, anderweitig festgesetzt werden.

The office of delivery may collect from the addressee either in respect of delivery to the Customs and clearance through the Customs or in respect of delivery to the Customs only, a fee not exceeding 50 gold centimes per parcel or such other charge as international conventions subsequent to the Cairo Agreement of 1934 shall fix.

Fee for customs clearance.

49 Stat. 2741.

## ARTIKEL VIII.

## ARTICLE VIII.

*Aushändigung. Zustellgebühr.**Delivery to the addressee. Fee for delivery at the place of address.*

1. Die Pakete werden den Empfängern sobald als möglich nach den Vorschriften des Bestimmungslandes ausgehändigt. Dieses Land kann für die Zustellung der Pakete ins Haus eine Gebühr von höchstens 50 Goldcentimen für das einzelne Paket erheben. Dieselbe Gebühr kann es gegebenenfalls für jeden weiteren Zustellversuch in der Wohnung oder Geschäftsstelle des Empfängers erheben.

2. Wenn die Pakete nicht ins Haus gebracht werden, ist der Empfänger von ihrer Ankunft unverzüglich zu benachrichtigen.

1. Parcels are delivered to the addressees as quickly as possible in accordance with the conditions in force in the country of destination. This country may collect in respect of delivery of parcels to the addressee a fee not exceeding 50 gold centimes per parcel. The same fee may be charged, if the case arises, for each presentation after the first at the addressee's residence or place of business.

2. If the parcels are not taken out for delivery at the address the addressee must be advised of their arrival without delay.

Delivery to addressee.

Fee.

## ARTIKEL IX.

## ARTICLE IX.

*Verbot, andre als die vorgesehenen Gebühren zu erheben.**Postal charges other than those prescribed not to be collected.*

Die Pakete, auf die sich dieses Abkommen bezieht, dürfen nicht mit andern als den in den einzelnen Artikeln vorgesehenen Postgebühren belastet werden.

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

Charges other than those prescribed not to be collected.

## ARTIKEL X.

## ARTICLE X.

*Lagergebühr.**Warehousing charges.*

Die Bestimmungsverwaltung kann für postlagernde Pakete und für Pakete, die in den vorgeschriebenen Fristen nicht abgeholt werden, die durch ihre Gesetzge-

The country of destination is authorized to collect the warehousing charge fixed by its legislation for parcels addressed "General Delivery" or which are not

Warehousing charge.

bung vorgeschriebene Lagergebühr erheben. Diese Gebühr, die über 5 Goldfranken nicht hinausgehen darf, wird bei Rücksendung des Pakets nach dem Aufgabeland nicht niedergeschlagen.

claimed within the prescribed period. This charge may in no case exceed five gold francs and shall not be canceled in the event of the return of the parcel to the country of origin.

## ARTIKEL XI.

## ARTICLE XI.

*Zollvorschriften.**Customs duties.*

Customs duties.

Die Pakete unterliegen im Bestimmungslande den dort geltenden Zollsätzen und Zollvorschriften. Die Zollgebühren, mit denen die Pakete auf Grund dieser Vorschriften belastet worden sind, werden bei der Aushändigung den Zollvorschriften des Bestimmungslandes gemäss eingezogen.

The parcels shall be subject in the country of destination to all customs duties and all customs regulations in force in that country for the protection of its customs revenue and the customs duties properly chargeable thereon shall be collected on delivery, in accordance with the customs regulations of the country of destination.

## ARTIKEL XII.

## ARTICLE XII.

*Verbote.**Prohibitions.*

1. Von der Beförderung in Paketen sind ausgeschlossen:

1. The following articles are prohibited transmission by parcel post:

Letters, etc.

a) Briefe oder Zettel, die die Eigenschaft einer wirklichen und persönlichen Mitteilung haben. Es ist jedoch gestattet, ausser dem in Artikel 5, Absatz 1, der Vollzugsordnung vorgesehenen Doppel der Paketaufschrift mit Angabe der Anschrift des Absenders, in das Paket eine offene Rechnung einzulegen, wenn sie nur solche Angaben enthält, die das Wesen der Rechnung ausmachen.

a) A letter or a communication having the nature of a letter. Nevertheless, it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel with mention of the address of the sender. (Regulations of Execution, Article 5, first section.)

*Post, p. 2207.*

Enclosure bearing different address.

b) Einlagen jeder Art, die eine von der Paketaufschrift abweichende Anschrift tragen.

b) An enclosure which bears an address different from that placed on the cover of the parcel.

Live animals.

c) Lebende Tiere, ausgenommen Blutegel.

c) Live animals, except leeches.

Narcotics.

d) Opium, Morphin, Kokain und andere Betäubungsmittel.

d) Opium, morphine, cocaine, and other narcotics.

Nonadmissible articles.

e) Gegenstände, deren Zulassung durch die bestehenden Zoll- oder sonstigen Gesetze oder Verordnungen der beiden vertragsschliessenden Länder verboten ist.

e) Any article the admission of which is forbidden by the customs or other laws or regulations in force in either country.

Explosive, etc., articles.

f) Explodierbare oder leicht entzündliche Stoffe und ganz allgemein Gegenstände, deren Beförderung Gefahren mit sich bringen, einschliesslich der Gegenstände, die ihrer Natur oder ihrer Verpac-

f) Any explosive or inflammable article, and in general any article the conveyance of which is dangerous, including articles which from their nature or packing may be a source of danger to postal em-

kung nach für die Postbeamten gefährlich sind oder andre Pakete beschmutzen oder beschädigen können.

g) Unzüchtige oder unsittliche Gegenstände.

h) Es ist ausserdem verboten, Geldstücke, Banknoten, Papiergeld, oder auf den Inhaber lautende Wertpapiere, Platin, Gold oder Silber in verarbeitetem oder nicht verarbeitetem Zustand, Edelsteine, Kleinodien und andre kostbare Gegenstände in Paketen ohne Wertangabe zu versenden.

2. Wenn ein Paket entgegen diesen Verboten zugelassen und an die Bestimmungsverwaltung ausgeliefert worden ist, kann diese darüber nach den Gesetzen und Verordnungen ihres Landes verfügen. Explodierbare oder leicht entzündliche Stoffe sowie Schriftstücke, Bilder und andre Gegenstände unzüchtiger oder unsittlicher Art können auf der Stelle von der Verwaltung vernichtet werden, die sie in den Paketposten vorfindet.

Der Umstand, dass ein Paket einen Brief oder Schriftstücke enthält, die die Eigenschaft einer eigentlichen Mitteilung haben, darf keinesfalls zur Rückleitung an den Absender Anlass geben. Das Schriftstück wird aber wie ein nicht freigemachter Brief mit Nachgebühr belegt und dem Empfänger ausgeliefert.

Die beiden Verwaltungen werden einander durch das vom Büro des Weltpostvereins herausgegebene Verzeichnis der von der Postbeförderung ausgeschlossenen Gegenstände alle verbotenen Gegenstände mitteilen, ohne dadurch irgendwelche Verantwortlichkeit den Zoll- oder Polizeibehörden oder den Absendern gegenüber zu übernehmen.

3. Falls Postpakete, die zu Unrecht zur Beförderung zugelassen worden sind, weder zurückgesandt noch den Empfängern zugestellt werden, muss die Aufgabeverwaltung von der weiteren Behandlung der Pakete ausführlich benachrichtigt werden.

ployees, or may soil or damage other parcels.

g) Obscene or immoral articles.

Obscene, etc., articles.

h) It is, moreover, forbidden to send coin, bank notes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver (whether manufactured or unmanufactured), precious stones, jewelry, or other precious articles in uninsured parcels.

Coin, jewelry, etc., in uninsured parcels.

2. When a parcel contravening any of these prohibitions is handed over by one Administration to the other, the latter shall proceed in accordance with its laws and inland regulations. Explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals may be destroyed on the spot by the Administration which has found them in the mails.

Action to be taken.

The fact that a parcel contains a letter or a communication having the nature of a letter may not, in any case, entail the return of the parcel to the sender. The letter is, however, marked for the collection of postage due from the addressee at the regular rate.

Parcel containing a letter.

The two Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not on that account assume any responsibility towards the customs or police authorities, or the sender.

List of Prohibited Articles.

3. If parcels wrongly admitted to the post are neither returned to origin nor delivered to the addressee, the Administration of origin must be informed in a precise manner of the treatment accorded to the parcels.

Parcels wrongly admitted.

## ARTIKEL XIII.

*Zurückziehen von Paketen, Ändern der Aufschrift.*

Recall and change of address.

Der Absender kann ein Paket, solange es dem Empfänger noch nicht ausgehändigt ist, zurückziehen oder seine Aufschrift ändern lassen. Die Postverwaltung des Aufgabelandes kann für diesen Dienst die durch ihre Vorschriften festgesetzte Gebühr erheben und behalten.

Die Anträge auf Zurückziehung von Paketen und auf Änderung der Aufschrift sind bei Paketen nach den Vereinigten Staaten von Amerika an die Zentralverwaltung in Washington, und bei Paketen nach Deutschland an das Bestimmungs-Postamt zu richten.

## ARTICLE XIII.

*Recall and change of address.*

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be changed. The Postal Administration of the country of origin may collect and retain for this service the charge fixed by its regulations.

The requests for recall or change of address of parcels to be delivered in the United States of America shall be addressed to the Central Administration at Washington; those relating to parcels for delivery in Germany shall be addressed to the offices of destination.

## ARTIKEL XIV.

*Einlieferungsscheine.*

Ordinary (uninsured) parcels, certificate of mailing.

Der Absender kann bei der Einlieferung eines gewöhnlichen Pakets eine Einlieferungsbescheinigung auf einem für diesen Zweck vorgesehenen Formblatt verlangen. Jedes Land ist berechtigt, hierfür eine angemessene Gebühr festzusetzen und zu erheben.

## ARTICLE XIV.

*Certificate of mailing. Receipts.*

On request at the time of mailing an ordinary (uninsured) parcel, the sender will receive a certificate of mailing from the post office where the parcel is mailed, on a form provided for the purpose; and each country may fix and collect a reasonable fee therefor.

Insured parcels, receipt at time of posting.

Der Absender eines Wertpakets erhält bei der Einlieferung unentgeltlich einen Einlieferungsschein über seine Sendung.

The sender of an insured parcel receives without charge at the time of posting, a receipt for his parcel.

## ARTIKEL XV.

*Rückschein.*

Advice of delivery.

Der Absender eines Wertpakets kann unter den Bedingungen der Vollzugsordnung und gegen Zahlung einer von der Aufgabeverwaltung festzusetzenden besonderen Gebühr eine Bescheinigung (Rückschein) über die Aushändigung des Wertpakets verlangen. Auch der Absender eines Nachnahmepakets kann einen Rückschein verlangen.

## ARTICLE XV.

*Return receipts.*

The sender of an insured parcel may obtain an advice of delivery upon payment of such additional charge, if any, as the country of origin of the parcel shall stipulate and under the conditions laid down in the Regulations. It is permissible to request return receipts for collect-on-delivery parcels.

Post, p. 2206. Collect-on-delivery parcels.

## ARTIKEL XVI.

*Nachsendung.*

Reforwarding.

1. Hat der Empfänger seinen Wohnort im Gebiet des Bestim-

## ARTICLE XVI.

*Reforwarding.*

1. A parcel may be redirected in consequence of the addressee's



mungsländes verändert, so kann das Paket auf Verlangen des Absenders oder des Empfängers nachgesandt werden.

Bei der Nachsendung des Pakets innerhalb eines der Vertragsländer sowie bei Zustellung des Pakets an eine andre Person in dem ursprünglichen Bestimmungsort, können die durch die Verwaltung des Bestimmungslandes festgesetzten Zuschlaggebühren erhoben werden. Diese Gebühren werden auch bei Rückleitung nach dem Aufgabe-Ort oder Nachsendung nach einem andern Land nicht niedergeschlagen. Gebühren, die von der Bestimmungs-Postverwaltung nicht niedergeschlagen werden, hat der Absender oder der Empfänger zu zahlen.

2. Ist ein Paket nach einem der Vertragsländer nachzusenden, so ist es neuen Postgebühren und gegebenenfalls neuen Versicherungsgebühren unterworfen, wenn diese nicht vor der Nachsendung entrichtet wurden. Die neuen Beförderungs- und Versicherungsgebühren werden von der Verwaltung, die das Paket aushändigt, erhoben.

3. Auf Verlangen des Absenders oder des Empfängers können Pakete auch nach einem andern Land nach- oder zurückgesandt werden. Die Absender können indes Pakete mit dem Vermerk: "Nicht nachsenden nach einem dritten Land!" versehen. In einem solchen Fall dürfen Pakete nach einem andern Land nicht nachgesandt werden. Bei Verlust, Beraubung oder Beschädigung eines nach einem andern Land nach- oder zurückgesandten Wertpakets wird Ersatz nur nach den Vorschriften des Artikels XXVII, Absatz 8 dieses Abkommens geleistet.

4. Wertpakete dürfen nur als Wertpakete nach- oder zurückgesandt werden.

change of address in the country of destination at the request of either the sender or the addressee.

The reforwarding of a parcel within one of the contracting countries gives rise to the collection of the supplementary charges provided for by the Administration of that country. The same is true, if occasion arises, in regard to the delivery of such parcel to another person at the original place of destination. These charges shall not be canceled even in case the parcel is returned to origin or reforwarded to another country. Charges not canceled by the Office of the country of destination are collected from the sender or the addressee.

2. If a parcel must be reforwarded to one of the two countries signatory to the present Agreement, it is liable to new postage charges, and, if occasion arises, new insurance fees, unless such charges and fees have been paid in advance. The new postage and insurance fees are collected by the Administration effecting the delivery.

3. At the request of the sender or the addressee, parcels may also be reforwarded or returned to another country. The senders may mark the parcels: "Do not forward to a third country." In that case, the parcels must not be reforwarded to any other country. In case of loss, rifling, or damage of an insured parcel which is reforwarded or returned to another country, the indemnity is decided upon exclusively in accordance with the provisions of Article XXVII, Section 8.

4. Insured parcels may not be reforwarded or returned except as such.

Supplementary charges.

New fees.

Return or reforwarding to another country.

Indemnity in case of loss, etc.

Insured parcels.

## ARTIKEL XVII.

*Unzustellbarkeit.*Disposition in event  
of non-delivery.

1. Der Absender hat bei der Einlieferung zu bestimmen, was mit seinem Paket geschehen soll, wenn es nicht ausgehändigt werden kann: d. h., er hat auf dem Paket und der zugehörigen Paketkarte eine der folgenden Verfügungen oder eine Verfügung von gleicher Bedeutung anzugeben: "Wenn unzustellbar, sofort zurücksenden!"

"Wenn unzustellbar, aushändigen an . . . ."

"Wenn unzustellbar, preisgeben."

Andere Verfügungen sind nicht zulässig.

C. O. D. parcels.

Der Absender kann für den Fall, dass sein Nachnahmepaket an die ursprüngliche Anschrift nicht ausgehändigt werden kann, dieselben Verfügungen treffen, die für Pakete ohne Nachnahme festgesetzt sind.

Undeliverable parcels.

2. Unzustellbare Pakete, über die nicht anders verfügt worden ist, sind nach 30 Tagen, vom Tage des Eingangs bei dem Bestimmungspostamt an gerechnet ohne weiteres an den Absender zurückzusenden. Pakete, deren Annahme verweigert wird, sind sofort zurückzusenden. Auf den zurückzusendenden Paketen und bei den nach den Vereinigten Staaten von Amerika zurückzusendenden Paketen auch auf den zugehörigen Paketkarten ist der Grund der Unzustellbarkeit zu vermerken.

Parcels liable to deterioration.

3. Gegenstände, die dem Verderben oder der Fäulnis ausgesetzt sind, können zugunsten des Berechtigten sofort verkauft werden, auch unterwegs auf dem Hin- oder Rückweg und ohne dass es einer vorgängigen Benachrichtigung des Berechtigten und gerichtlicher Förmlichkeiten bedarf.

Ist der Verkauf aus irgendeinem Grunde nicht möglich, so werden die verdorbenen oder wertlos gewordenen Sachen vernichtet.

## ARTICLE XVII.

*Non-delivery.*

1. At the time of mailing, the sender must state how his parcel is to be disposed of in the event of non-delivery; that is, the sender must mark the parcel and the relative dispatch note with one of the following notes:

"In case of non-delivery, the parcel should be returned immediately";

"In case of non-delivery, the parcel should be delivered to . . . .";

"In case of non-delivery, the parcel should be considered as abandoned", or note of similar import.

No other alternative is admissible.

The sender may provide, in case his C. O. D. parcel is undeliverable as originally addressed, for other disposition to be made of it the same as in the case of parcels without trade charges.

2. Except as otherwise provided, undeliverable parcels are returned to origin, without previous notification, 30 days after their arrival at the office of destination. Parcels which the addressee refuses to accept shall be returned immediately. In all cases, the reason for non-delivery must be indicated on the parcel and in the case of parcels returned to the United States of America on the relative dispatch note.

3. Parcels liable to deterioration or corruption may be sold immediately, even en route, on the outward or return voyage, without previous notice and without judicial formality, for the benefit of the rightful party.

If, for any reason, sale is impossible, the deteriorated or corrupted articles are destroyed. The sale or destruction gives rise

Über den Verkauf oder die Ver-  
nichtung ist eine Verhandlung  
aufzunehmen und an die Auf-  
gabeeverwaltung abzusenden.

4. Unzustellbare Pakete, die  
von den Absendern "preisgege-  
ben" worden sind, können nach  
Ablauf von 30 Tagen meistbietend  
zugunsten der Bestimmungsver-  
waltung veräußert werden. Bei  
Wertpaketen ist hierüber eine  
Verkaufsverhandlung aufzuneh-  
men und der Aufgabeeverwaltung  
vom Geschehenen Kenntnis zu  
geben. Wird ein unzustellbares  
Wertpaket aus irgendeinem and-  
ren Grunde nicht zurückgesandt,  
ist dies der Aufgabeeverwaltung  
gleichfalls mitzuteilen.

5. Bei der Rücksendung unzu-  
stellbarer Pakete werden die im  
Artikel XXXIV, Absatz 2, er-  
wähnten Gebühren erhoben.

to the making of a report which  
is sent to the Administration of  
origin.

4. Undeliverable parcels which  
the sender has abandoned may, at  
the expiration of a 30-day period,  
be sold for the profit of the  
Administration of the country of  
destination. However, in the case  
of an insured parcel, a report is  
made up, which must be sent to  
the Administration of the country  
of origin. Likewise, the Admin-  
istration of the country of origin  
must be advised when an insured  
parcel which is undeliverable is  
not returned to origin.

Abandoned parcels.

5. In case of the return of unde-  
liverable parcels the charges pre-  
scribed by Article XXXIV, Sec-  
tion 2, are collected.

Charges.

#### ARTIKEL XVIII.

##### *Niederschlagung von Zollgebühren.*

Vorausgesetzt, dass die von den  
zuständigen Zollbehörden vorge-  
schriebenen Förmlichkeiten erfüllt  
sind, sollen Zollgebühren auf Pake-  
ten, die nach dem Aufgabeort  
zurückgesandt oder nach einem  
andern Land nachgesandt werden,  
sowohl in Deutschland als auch in  
den Vereinigten Staaten von  
Amerika niedergeschlagen werden.

#### ARTICLE XVIII.

##### *Customs charges to be canceled.*

Provided the formalities pre-  
scribed by the customs authorities  
concerned are fulfilled, the customs  
charges properly so-called, on par-  
cels sent back to the country of  
origin, or redirected to another  
country, shall be canceled both in  
Germany and in the United States  
of America.

Cancellation on re-  
turned articles.

#### ARTIKEL XIX.

##### *Nachfragen.*

Die Aufgabeeverwaltung kann  
für die nach dem Abgang der  
Pakete gewünschten Nachfragen  
nach dem Verbleib gewöhnlicher  
Pakete und Wertpakete eine be-  
sondere, von ihr festzusetzende  
Gebühr erheben, wenn der Absen-  
der die besondere Gebühr für  
einen Rückschein nicht schon  
entrichtet hat.

Eine von der Aufgabeeverwal-  
tung beliebig festzusetzende Ge-  
bühr kann ebenfalls erhoben wer-  
den in bezug auf Beschwerden  
über Unregelmässigkeiten, die an-  
scheinend nicht dem Postdienst  
zur Last fallen.

#### ARTICLE XIX.

##### *Inquiries.*

A fee may be charged, at the  
option of the country of origin, on  
a request for information as to  
the disposal of an ordinary parcel  
and also for an insured parcel  
made after it has been posted if  
the sender has not already paid  
the special fee to obtain an advice  
of delivery.

Fees.

A fee may also be charged, at  
the option of the country of origin,  
in connection with any complaint  
of any irregularity which prima  
facie was not due to the fault of  
the Postal Service.

## NACHNAHMEPAKETE

COLLECT-ON-DELIVERY  
PARCELS

## ARTIKEL XX.

## ARTICLE XX.

*Gegenstand.**Subject.*

Acceptance for mailing.

1. Postpakete, die mit Nachnahme belastet werden, können in Deutschland nach allen mit dem Postanweisungsdienst betrauten Postämtern der Vereinigten Staaten von Amerika und in den Vereinigten Staaten von Amerika nach allen Orten in Deutschland angenommen werden.

1. Parcels having charges to be collected on delivery, shall be accepted for mailing from Germany to any money order post office in the United States of America or from the United States of America to any locality in Germany.

Insurance.

2. Es dürfen nur Wertpakete mit Nachnahme belastet werden.

2. Collect-on-delivery parcels shall be accepted only when insured.

Designated articles not applicable.

3. Die Bestimmungen der Artikel XX bis XXIV des Abkommens und der Artikel 9 bis 14 der Vollzugsordnung gelten nicht für Nachnahmepakete des Durchgangs.

3. The provisions of Articles XX to XXIV of this Agreement and of Articles 9 to 14 of the Regulations of Execution do not cover transit collect-on-delivery parcels.

## ARTIKEL XXI.

## ARTICLE XXI.

*Gebühren.**Postage and fees.*

Postage rates, insurance, etc., formalities.

Die Nachnahmepakete unterliegen den Beförderungs- und Versicherungsgebühren sowie den Beförderungs- und übrigen Bedingungen, die auf versicherte, nicht mit Nachnahme belastete Pakete anzuwenden sind. Die Aufgabeverwaltung ist berechtigt, vom Absender jedes Nachnahmepakets ausser den Beförderungs- und andren Gebühren auch die nach ihren Bestimmungen vorgesehene Nachnahmegebühr zu erheben.

Parcels bearing charges for collection on delivery shall be subject to the postage rates, insurance fees, conditions of mailing, and other formalities applicable to insured parcels without trade charges. The Administration of origin is entitled to collect from the sender of each parcel mailed collect-on-delivery, such collect-on-delivery fee, in addition to the required postage and other fees, as may be prescribed by its regulations.

## ARTIKEL XXII.

## ARTICLE XXII.

*Nachnahmebetrag.**Amount of C. O. D.*

Maximum amount.

1. Der Höchstbetrag der Nachnahme wird auf 100 Dollar festgesetzt. Dieser Betrag kann jederzeit auf Grund gegenseitiger Vereinbarung im Wege des Schriftwechsels zwischen den beiden Verwaltungen erhöht oder herabgesetzt werden. Der Nachnahmebetrag ist jedoch stets in beiden Richtungen in Dollars und Cents anzugeben.

1. The maximum amount to be collected on delivery shall be \$100.00. This amount may be increased or decreased at any time by mutual agreement through correspondence between the two Postal Administrations. The amount to be collected on delivery shall invariably be expressed in dollars and cents.

Changes by mutual agreement.

2. Wenn der Absender rechtzeitig das Ersuchen um Ermäßigung oder Streichung des Nachnahmebetrags stellt, so wird das Ersuchen zwischen den Paket-Auswechslungspostämtern behandelt, vorbehaltlich einer andren Vereinbarung im Wege des Schriftwechsels.

2. When the sender makes a request early enough for any reduction or cancelation of the amount to be collected on delivery, the request shall be handled between the exchange offices which have handled the parcel unless otherwise agreed to through correspondence.

Request for reduction or cancelation.

## ARTIKEL XXIII.

## ARTICLE XXIII.

*Verantwortlichkeit bei Nachnahmepaketen.**Responsibility for C. O. D. parcels.*

1. Bei Verlust, Beraubung oder Beschädigung eines versicherten Nachnahmepakets sind die Postverwaltungen verantwortlich, wie es in Artikel XXVII bis XXIX für versicherte, nicht mit Nachnahme belastete Pakete festgesetzt ist.

1. In case an insured C. O. D. parcel has been lost, rifed, or damaged, the Postal Administrations are responsible as for an insured parcel without C. O. D. charges, in conformity with the provisions of Articles XXVII to XXIX.

Responsibility.

2. Für ein Paket, das dem Empfänger ohne Einziehung des Nachnahmebetrags ausgehändigt worden ist, kann der Absender eine dem nicht eingezogenen Nachnahmebetrag entsprechende Entschädigung verlangen, vorausgesetzt, dass er seinen Anspruch rechtzeitig geltend gemacht hat, und die Unterlassung der Einziehung nicht auf Vorsatz oder Fahrlässigkeit des Absenders oder auf verbotenen Inhalt des Pakets zurückzuführen ist.

2. When a C. O. D. parcel has been delivered to the addressee but the charges have not been remitted, the sender or other rightful claimant is entitled to an indemnity corresponding to the C. O. D. amount not remitted, provided that he has made his claim in due time and unless the delivery without collecting the charges has arisen from the fault or negligence of the sender or from the transmission of the contents in parcel-post mails being prohibited.

Where delivery made but charges not remitted, indemnity provisions.

Dasselbe gilt, wenn die vom Empfänger entrichtete Summe niedriger ist als der angegebene Nachnahmebetrag.

This stipulation also applies to the case that a lower amount than the full C. O. D. charge is collected from the addressee.

Die nach diesem Paragraphen vorgesehene Entschädigung darf den Nachnahmebetrag nicht übersteigen.

The indemnity provided for in this section may not in any case exceed the C. O. D. amount.

Limitation.

3. Die Bestimmungen über die Feststellung der Verantwortlichkeit und Zahlung der Entschädigung für Nachnahmepakete sind dieselben wie für versicherte, nicht mit Nachnahme belastete Pakete.

3. As to the fixing of the responsibility and the payment of the indemnity the same stipulations shall be applied as are provided for insured parcels not sent C. O. D.

Stipulations to be applied.

4. Wenn ein Nachnahmepaket, für das Ersatz geleistet worden ist, wieder aufgefunden wird, so hat das Bestimmungspostamt das Paket zuzustellen, den Nachnahmebetrag zu erheben und aufzube-

4. When a C. O. D. parcel for which indemnity has been paid is recovered, the post office of destination will deliver the parcel and collect the charges, hold such amount and request instructions

Action when parcel recovered after indemnity paid.

wahren und Weisungen von der übergeordneten Dienststelle einzuholen. Wenn aber der Empfänger sich weigert, das wieder aufgefundene Paket zu übernehmen und den Nachnahmebetrag zu erlegen, so soll das Bestimmungspostamt das Paket aufbewahren und gleichfalls Weisungen über seine weitere Behandlung einholen. Im letzteren Fall wird die für den Ersatz verantwortliche Verwaltung weitere Verfügung über das Paket treffen.

from the Administration to which such office is subordinate. If the addressee, however, refuses to accept a recovered parcel and pay the charges, the post office of destination will hold it and likewise seek instructions as to its disposition. In the latter case the Administration responsible for the indemnity shall determine the disposition to be made of the parcel involved.

## ARTIKEL XXIV.

*Ausgleich.*

Remittance of entire amount to sender.

Collection of charges from addressee.

Collection charge.

Transmission fee.

1. Der volle Nachnahmebetrag wird dem Absender ohne Abzug einer Postanweisungs- oder Einziehungsgebühr durch eine internationale Postanweisung übermittelt. Das zustellende Postamt zieht vom Empfänger den vollen Nachnahmebetrag ein und kann ausserdem die Postanweisungsgebühren oder die Gebühr für die Übersendung des Nachnahmebetrags an den Absender im Aufgabeland erheben.

2. Das Land, das ein Nachnahmepaket zustellt, kann vom Empfänger eine mässige Einziehungsgebühr erheben, die 25 Goldcentimen nicht übersteigen darf. Diese Gebühr darf indes nicht von dem erhobenen Nachnahmebetrag abgezogen werden.

3. Die für die Übermittlung des Nachnahmebetrags erhobene Gebühr verbleibt ungeteilt der einziehenden Verwaltung. Ausser der im Artikel XXXIV vorgesehenen Abrechnung wird zwischen den beiden Verwaltungen keinerlei Abrechnung aufgestellt.

## ARTIKEL XXV.

*Wertpakete.*

Maximum amount.

Changes by mutual consent.

1. Postpakete können unter Wertangabe bis zu 1000 Goldfranken oder dem Gegenwert davon in der Währung des Aufgabelandes versandt werden. Die Post-

## ARTICLE XXIV.

*Settlement.*

1. The entire amount of the collect-on-delivery charges without any deduction for money order fee or collection charges is to be remitted to the sender by means of an international money order. The delivering post office will collect from the addressee the full amount of the C. O. D. charges and in addition thereto may collect such money order fee or fees as are required to remit the amount of the C. O. D. charges to the sender in the country of origin.

2. The country effecting delivery of a C. O. D. parcel may at its option collect a reasonable amount, not in excess of 25 gold centimes, from the addressee as a collection charge but this amount is not to be deducted from the collection charges which are remitted to the sender.

3. The fee for the transmission of the amount of the collect-on-delivery charges shall belong entirely to the country collecting it. No special account of the fee is to be made between the two Administrations except as stated in Article XXXIV.

## ARTICLE XXV.

*Insured parcels.*

1. Parcels may be insured up to the amount of 1000 gold francs or its equivalent in currency of the country of origin. However, the Postal Administrations of the two

verwaltungen der beiden Vertragsländer können indes im gegenseitigen Einverständnis den vorstehend angegebenen Höchstbetrag der Wertangabe ermässigen oder erhöhen.

2. Die Postverwaltung des Aufgabelandes ist berechtigt vom Absender die nach ihren Bestimmungen vorgesehenen Versicherungsgebühren zu erheben.

2. The Postal Administration of the country of origin is entitled to collect from the sender such insurance fees as may from time to time be prescribed by its regulations.

Collection from sender by country of origin.

## ARTIKEL XXVI.

*Wertangabe.*

Es ist gestattet, nur einen Teil des Wertes des Paketinhalts anzugeben.

Ein Paket, dessen Inhalt keinen eigentlichen Geldwert hat, kann trotzdem unter Wertangabe versandt werden, um ihm die gesicherte Beförderung eines Wertpakets zu verschaffen.

## ARTICLE XXVI.

*Indication of value.*

It is permitted to insure only part of the value of the contents.

A parcel of which the contents have no pecuniary value may, however, be insured for a nominal sum in order to obtain the safeguards of the insurance system.

Indication of value.

Without pecuniary value.

## ARTIKEL XXVII.

*Verantwortlichkeit.**Entschädigung.*

1. Die Verwaltungen der beiden Vertragsländer haften nicht für den Verlust, die Beraubung oder Beschädigung eines gewöhnlichen Pakets.

2. Die beiden Verwaltungen sind vorbehaltlich der Fälle des folgenden Artikels für den Verlust, die Beraubung oder die Beschädigung der in einem der beiden Vertragsländer aufgelieferten und zur Auslieferung im andern Land bestimmten Wertpakete oder ihres Inhalts oder eines Teils davon verantwortlich.

3. Der Absender oder ein anderer Entschädigungsberechtigter hat Anspruch auf einen dem wirklichen Betrag des Verlustes, der Beraubung oder der Beschädigung entsprechenden Ersatz. Die Entschädigung ist nach dem gemeinen Handelswert oder in Ermangelung eines Handelswerts nach dem gemeinen Wert der Ware zu berechnen, den Waren derselben Art am Tage der Einlieferung am Versand-

## ARTICLE XXVII.

*Responsibility.**Indemnity.*

1. The Postal Administrations of the two contracting countries will not be responsible for the loss, abstraction, or damage of an ordinary parcel.

2. Except in the cases mentioned in the Article following, the Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the loss, abstraction, or damage to their contents, or a part thereof.

3. The sender, or other rightful claimant, is entitled to compensation corresponding to the actual amount of the loss, abstraction, or damage. The amount of indemnity is calculated on the basis of the actual value (current price or, in the absence of current price, the ordinary estimated value) at the place where and the time when the parcel was accepted for mailing; provided in any case that the

Ordinary parcels.

Insured parcels. Responsibility for loss, abstraction, or damage.

Indemnity to sender, etc.

Basis for calculation.

Limitation.

ort hatten. Die Entschädigung darf keinesfalls über den Betrag der Wertangabe, für den die Versicherungsgebühr erhoben worden ist, oder über den Höchstbetrag von 1000 Goldfranken hinausgehen.

Maximum amount of compensation.

4. Der Entschädigungsbetrag darf den wirklichen Wert des Paketinhalts nicht übersteigen.

Indirect damages, etc.

5. Mittelbarer Schaden oder entgangener Gewinn, die als Folgen des Verlustes, der Beraubung, Beschädigung, Nichtzustellung, Verzögerung oder der unrichtigen Aushändigung eines auf Grund dieses Abkommens beförderten Wertpaketes anzusehen sind, bleiben unberücksichtigt.

Return of postage.

6. Wenn im Falle des Verlustes eines Wertpaketes, des völligen Verderbs oder der vollständigen Beraubung des Inhalts Ersatz zu leisten ist, hat der Absender auf Antrag Anspruch auf Erstattung der Beförderungsgebühren. Die Versicherungsgebühren verbleiben in allen Fällen den Postverwaltungen.

Parcels originating in a third country, etc.

7. Für verlorengegangene, beraubte oder beschädigte Durchgangs-Wertpakete, die aus einem an diesem Abkommen nicht beteiligten Lande nach einem der vertragschliessenden Länder oder aus einem der Vertragsländer nach einem an diesem Abkommen nicht beteiligten Land bestimmt sind, wird nicht gehaftet, solange diese Haftpflicht zwischen den beteiligten Verwaltungen, wenn auch nur im Wege des Schriftwechsels, nicht besonders vereinbart worden ist.

Parcels reforwarded or returned to a third country.

8. Wird ein Wertpaket aus einem vertragschliessenden Lande nach dem andren vertragschliessenden Lande von dort auf Verlangen des Absenders oder des Empfängers nach einem dritten Land nach- oder zurückgesandt, hat der Empfänger für Verlust, Beraubung oder Beschädigung, die nach der Weiterleitung des Wertpakets durch das ursprüngliche Bestimmungsland eintreten, nur Anspruch auf eine solche Entschädigung, wie sie das Land, in

indemnity may not be greater than the amount for which the parcel was insured and on which the insurance fee has been collected, or the maximum amount of 1000 gold francs.

4. For an insured parcel, the amount of compensation shall not exceed the actual value of the contents.

5. No indemnity is paid for indirect damages or loss of profits resulting from the loss, rifling, damage, non-delivery, misdelivery, or delay of an insured parcel dispatched in accordance with the conditions of the present Agreement.

6. In the case where indemnity is payable for the loss of an insured parcel or for the destruction or abstraction of the whole of the contents thereof, the sender is entitled to the return of the postage charges, if claimed. However, the insurance fees are not returned in any case.

7. In the absence of special agreement to the contrary between the countries involved, which agreement may be made by correspondence, no indemnity will be paid by either country for the loss, rifling, or damage of transit insured parcels, that is, parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries or parcels originating in one of the two contracting countries and destined for a country not participating in this Agreement.

8. When an insured parcel originating in one country and destined to be delivered in the other country is reforwarded from there to a third country or is returned to a third country at the request of the sender or of the addressee, the party entitled to the indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim, in such a case, only to the indemnity which the coun-

Indemnity in case of loss, etc.



dem der Verlust, die Beraubung oder Beschädigung stattgefunden hat, zu zahlen bereit oder auf Grund eines zwischen den beteiligten Ländern bestehenden Übereinkommens zu zahlen verpflichtet ist. Jedes der beiden vertragschliessenden Länder, das unrichtig Wertpakete nach einem dritten Land nachsendet, haftet für das Wertpaket in demselben Umfang wie das Aufgabeland dem Absender gegenüber, das heisst, innerhalb der durch dieses Abkommen festgesetzten Entschädigungsgrenze.

9. Die Postverwaltungen der Vertragsländer sind von der Verantwortlichkeit befreit, wenn der Verlust, die Beraubung oder die Beschädigung des Wertpakets zurückzuführen ist auf bei der Einlieferung nicht bemerkte Mängel der Umhüllung, Verpackung oder des Verschlusses, für deren ordnungsmässige Beschaffenheit der Absender verantwortlich ist.

try where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

Parcels wrongly forwarded to a third country.

9. The sender is responsible for defects in the packing and insufficiency in the packing and sealing of insured parcels. Moreover, the two Administrations are released from all responsibility in case of loss, rifling, or damage caused by defects not noticed at the time of mailing.

Defects in packing.

#### ARTIKEL XXVIII.

#### ARTICLE XXVIII.

##### *Ausnahmen vom Grundsatz der Verantwortlichkeit.*

##### *Exceptions to the principle of responsibility.*

Die Verwaltungen sind von jeder Verantwortlichkeit befreit:

a) für Wertpakete, die von dem Empfänger ohne Vorbehalt angenommen worden sind;

b) im Falle des Verlustes oder der Beschädigung durch höhere Gewalt (unabwendbarer Zufall); jede Verwaltung kann indes nach eigenem Ermessen, aber ohne Rückanspruch gegen die andere Verwaltung, für den durch höhere Gewalt entstandenen Verlust oder Schaden Ersatz leisten selbst in den Fällen, wo die Verwaltung des Landes, in dessen Dienstbereich der Verlust oder die Beschädigung eingetreten ist, anerkennt, dass die Beschädigung auf höhere Gewalt zurückzuführen ist. Das für den Verlust, die Beraubung oder Beschädigung verantwortliche Land muss nach seiner Gesetzgebung entscheiden, ob der Verlust, die Beraubung oder Beschädigung auf ein Ereignis zurückzuführen ist, das sich als höhere Gewalt darstellt;

The Administrations are relieved from all responsibility:

a) In case of insured parcels of which the addressee has accepted delivery without reservation.

b) In case of loss or damage through force majeure (causes beyond control) although either Administration may at its option and without recourse to the other Administration pay indemnity for loss or damage due to force majeure even in cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure. The country responsible for the loss, abstraction, or damage must decide in accordance with its internal legislation, whether this loss, abstraction, or damage was due to circumstances constituting a case of force majeure.

Acceptance without reservation.

Loss, etc., through force majeure.

Destruction of official documents.

c) wenn sie über die Wertpakete deshalb keinen Nachweis führen können, weil die Dienstpapiere durch höhere Gewalt vernichtet worden sind; es sei denn, dass ihre Verantwortlichkeit nicht schon anderweit bewiesen worden ist;

c) When, their responsibility not having been proved otherwise, they are unable to account for insured parcels in consequence of the destruction of official documents through force majeure.

Damage through fault of sender, addressee, etc.

d) wenn der Schaden durch Verschulden oder Fahrlässigkeit des Absenders oder des Empfängers oder ihrer Vertreter oder durch die natürliche Beschaffenheit des Gegenstandes herbeigeführt worden ist;

d) When the damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, or when it is due to the nature of the article.

Prohibited articles.

e) für Wertpakete, die verbotene Gegenstände enthalten;

e) For insured parcels which contain prohibited articles.

Declaration above real value.

f) wenn der Absender eines Wertpakets den Wert des Paketinhalts betrügerischerweise zu hoch angegeben hat; hierdurch wird eine gerichtliche durch die Gesetzgebung des Aufgabelandes erforderliche Verfolgung solcher betrügerischen Angaben nicht ausgeschlossen;

f) In case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin.

Seizure because of false declaration.

g) für Wertpakete, die die Zollbehörde wegen falscher Inhalts-erklärungen beschlagnahmt hat;

g) For insured parcels seized by the Customs because of false declaration of contents.

Application, etc., for indemnity not made within a year.

h) wenn der Entschädigungsberechtigte oder sein Vertreter weder eine Nachfrage noch einen Ersatzanspruch innerhalb eines Jahres, vom Tage nach der Einlieferung des Wertpakets an gerechnet, gestellt hat;

h) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the insured parcel.

Matter of no intrinsic value, etc.

i) für Wertpakete, deren Inhalt wertlos ist, aus leicht verderblichen oder solchen Gegenständen besteht, die den Bedingungen dieses Abkommens nicht entsprechen oder die nicht in vorgeschriebener Weise eingeliefert worden sind. Ohne Rückgriff auf die andre Verwaltung, kann jedoch die Verwaltung, in deren Dienstbereich der Verlust, die Beraubung oder die Beschädigung eingetreten ist, für solche Wertpakete Ersatz leisten.

i) For insured parcels which contain matter of no intrinsic value or perishable matter, or which did not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such insured parcels without recourse to the other Administration.

#### ARTIKEL XXIX.

#### ARTICLE XXIX.

##### *Erlöschen der Verantwortlichkeit.*

##### *Termination of responsibility.*

Termination of responsibility.

Die Verwaltungen sind für Wertpakete, die nach den Vorschriften ihres inneren Dienstes für gleichartige Sendungen ausgehändigt worden sind, nicht mehr verantwortlich.

The Administrations cease to be responsible for insured parcels of which they have effected delivery in accordance with their internal regulations for insured parcels of the same nature.

Die Verantwortlichkeit bleibt jedoch bestehen, wenn der Empfänger oder im Falle der Rückleitung der Absender bei der Empfangnahme eines beraubten oder beschädigten Wertpakets Vorbehalte macht.

Responsibility is, however, maintained when the addressee or, in case of return, the sender makes reservations in taking delivery of an insured parcel, the contents of which have been abstracted or damaged.

## ARTIKEL XXX.

## ARTICLE XXX.

*Verpflichtung zur Zahlung des Ersatzbetrages.*      *Obligation to pay compensation.*

Zur Zahlung des Ersatzbetrages und der zu erstattenden Gebühren ist die Aufgabeverwaltung verpflichtet. Diese Verpflichtung fällt der Bestimmungsverwaltung zu, wenn nach Artikel XXVII, Absatz 3, der Empfänger zu entschädigen ist. Die zahlende Verwaltung kann aber auf die verantwortliche Verwaltung zurückgreifen.

The obligation to pay compensation, as well as the postage charges due to be refunded, rests with the Administration of origin. However, in cases where the compensation is paid to the addressee in accordance with Article XXVII, Section 3, the obligation shall rest with the Administration of destination. The paying Administration retains the right to make a claim against the Administration responsible.

Obligation to pay compensation.

## ARTIKEL XXXI.

## ARTICLE XXXI.

*Zahlungsfrist.**Period for payment of compensation.*

1. Der Ersatzbetrag soll sobald als möglich und spätestens innerhalb eines Jahres, vom Tage nach der Nachfrage an gerechnet, an den Entschädigungsberechtigten gezahlt werden.

1. The payment of compensation for an insured parcel shall be made to the rightful claimant as soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

Period for payment of compensation

Die Verwaltung, die den Ersatzbetrag zu zahlen hat, kann die Ersatzleistung ausnahmsweise über diese Frist hinausschieben, wenn bei Ablauf dieser Frist der Verbleib der Sendung noch nicht festgestellt ist oder wenn die Frage der Verantwortlichkeit noch nicht hat geklärt werden können.

However, the Administration responsible for making payment may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

Deferred payment

2. Abgesehen von den Fällen ausnahmsweisen Hinausschiebens der Ersatzleistung, wie im zweiten Teil des vorhergehenden Absatzes 1 angegeben, ist die Verwaltung, die Ersatz leistet, berechtigt, die Entschädigung für Rechnung der Verwaltung zu zahlen, die neun Monate hat verstreichen lassen, ohne die ordnungsmässig bei ihr anhängig gemachte Sache zu erledigen.

2. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes the payment of compensation is authorized to pay indemnity on behalf of the Office which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

Payment when delayed nine months.

## ARTIKEL XXXII.

*Feststellung der Verantwortlichkeit.*

Fixing of responsibility.

1. Bis zum Nachweis des Gegenteils ist die Verwaltung verantwortlich, die das Wertpaket unbeanstandet übernommen hat und, nachdem sie in Besitz aller vorschriftsmässigen Unterlagen für die Nachforschungen gekommen ist, den Verbleib des Wertpakets nicht nachweisen kann.

2. Wenn der Verlust, die Beraubung oder die Beschädigung eines Wertpakets bei der Öffnung des zur Versendung der Wertpakete dienenden Behältnisses durch das empfangende Auswechslungspostamt entdeckt und dem absendenden Auswechslungspostamt ordnungsmässig mitgeteilt worden ist, so trifft die Verantwortlichkeit die absendende Verwaltung, wenn sich nicht erweisen lässt, dass die Unregelmässigkeit im Dienstbereich der empfangenden Verwaltung vorgekommen ist.

3. Wenn der Verlust, die Beraubung oder die Beschädigung während der Beförderung eingetreten ist und nicht festgestellt werden kann, auf welchem Gebiet oder in welchem Dienstbereich dies geschehen ist, tragen die beteiligten Verwaltungen den Schaden zu gleichen Teilen.

4. Die Verwaltung, die die Entschädigung gezahlt hat, tritt bis zur Höhe dieses Betrages in die Rechte des Entschädigten wegen aller Ansprüche gegen den Empfänger der Sendung, den Absender oder gegen Dritte ein.

5. Wird ein als verloren angesehenes Wertpaket später wieder aufgefunden, so ist der Entschädigte zu benachrichtigen, dass er das Paket gegen Rückzahlung des Ersatzbetrags in Empfang nehmen kann.

## ARTIKEL XXXIII.

*Erstattung des Ersatzbetrages.*

Repayment to country effecting payment.

1. Die für den Verlust, die Beraubung oder die Beschädigung verantwortliche oder diejenige Verwaltung, für deren Rechnung Ent-

## ARTICLE XXXII.

*Fixing of responsibility.*

1. Until the contrary is proved, responsibility for an insured parcel rests with the Administration which, having received the parcel without making any reservations and being put in possession of all the regulation means of investigation, cannot establish the disposal of the parcel.

2. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred in the service of the receiving Administration.

3. If the loss, rifling, or damage has taken place in the course of transportation, without its being possible to establish on the territory or in the service of which country the act took place, the Offices involved bear the loss in equal shares.

4. The Administration paying compensation takes over, to the extent of the amount paid, the rights of the person who has received it, in any action which may be taken against the addressee, the sender, or a third party.

5. If an insured parcel which has been regarded as lost is subsequently found the person to whom compensation has been paid must be informed that he is at liberty to take possession of the parcel against repayment of the amount of compensation.

## ARTICLE XXXIII.

*Repayment of compensation.*

1. The Administration responsible for the loss, rifling, or damage and on whose account the payment is effected, is bound to repay

schädigung gezahlt wird, ist verpflichtet, der Verwaltung, die Ersatz geleistet hat, den Ersatzbetrag ohne Verzug und spätestens binnen neun Monaten nach erhaltener Benachrichtigung über die erfolgte Zahlung zu erstatten.

2. Die Erstattung ist ohne Kosten für die Gläubigerverwaltung durch Postanweisung oder Wechsel oder in barem Geld, das im Gläubigerland umlauffähig ist, oder in andrer, im Wege des Schriftwechsels gegenseitig zu vereinbarenden Weise vorzunehmen.

3. Die Ersatzbeträge sind auf der Grundlage des Goldfranken zu erstatten.

the amount of the indemnity to the country which has effected payment. This reimbursement must take place without delay and at the latest within the period of nine months after notification of payment.

2. These repayments to the creditor country must be made without expense for that Office, by money order or draft, in money valid in the creditor country or in any other way to be agreed upon mutually by correspondence.

3. The reimbursement of the indemnities must be effected on the basis of gold francs.

#### ARTIKEL XXXIV.

##### *Vergütungen.*

1. Für jedes Paket, das zwischen den vertragschliessenden Ländern ausgetauscht wird, vergütet die absendende Verwaltung der Bestimmungsverwaltung die Gebühren, die dieser nach den Bestimmungen des Artikels V zukommen.

2. Bei Nach- und Rücksendung eines Pakets, wenn Beförderungs- und bei Wertpaketen auch Versicherungsgebühren von der nach- oder rücksendenden Verwaltung neu verlangt werden, wird das Paket so behandelt, als wenn es in diesem Lande aufgeliefert worden wäre. Die nach- oder rücksendende Verwaltung zieht den ihr zustehenden Anteil von der andren Verwaltung ein, das heisst:

- a) die im obigen Absatz 1 vorgeschriebenen Gebühren;
- b) die Nach- und Rücksendungsgebühren;
- c) die im Artikel X vorgeschriebenen Gebühren, wenn anwendbar.

3. Bei Nach- und Rücksendung nach einem dritten Land werden die Pakete mit den oben unter a), b) und c) angegebenen Gebühren, soweit sie in Betracht kommen, belastet. Verweigert das dritte Land aus irgendeinem Grunde die Übernahme dieser Gebühren, so wird das Aufgabeland damit belastet.

#### ARTICLE XXXIV.

##### *Charges.*

1. For each parcel exchanged between the contracting countries, the dispatching Office credits to the Office of destination in the parcel bills the quotas due to the latter, and indicated in Article V.

2. In case of reforwarding or return to origin of a parcel, if new postage and new insurance fees (in the case of insured parcels) are collected by the redispaching Office, the parcel is treated as if it had originated in that country. Otherwise, the redispaching Office recovers from the other Office the quota due it, namely, as the case may be:

- a) The charges prescribed by Section 1 above.
- b) The charges for reforwarding or return.
- c) The charges prescribed by Article X, if applicable.

3. In case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a), (b), and (c) above as are applicable shall follow the parcel but in the case that the third country concerned refuses to assume the charges for any reason, they shall be charged back to the country of origin.

Charges.

Reforwarding or return to origin.

Reforwarding or return to a third country.

Parcels in transit.

4. Wenn ein Paket im Durchgang durch das Gebiet eines der beiden Vertragsländer von oder nach dem andern Vertragsland nach- oder zurückgesandt wird, kann die Durchgangsverwaltung auch den ihr zustehenden Betrag für den zusätzlichen Land- oder Seediens, der vorgesehen ist, beanspruchen zusammen mit irgendwelchen Beträgen, die einer andern beteiligten Verwaltung oder andern beteiligten Verwaltungen zustehen.

4. In the case of a parcel returned or reforwarded in transit through one of the two Administrations to or from the other, the intermediary Administration may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

#### ARTIKEL XXXV.

##### *Luftpostpakete.*

Air surtax, etc.

Wenn Pakete auf dem Luftweg befördert werden, können die Verwaltungen der Vertragsländer auf Grund gegenseitiger Vereinbarung den Luftpostzuschlag sowie die andern Bedingungen festsetzen.

#### ARTICLE XXXV.

##### *Air parcels.*

The Postal Administrations of the two contracting countries have the right to fix by mutual consent the air surtax and other conditions in the case where the parcels are conveyed by air routes.

#### ARTIKEL XXXVI.

##### *Vorübergehende Einstellung des Dienstes.*

Temporary suspension of service.

Bei aussergewöhnlichen Verhältnissen, die die Massnahme rechtfertigen, kann jede der beiden Verwaltungen den Postpaketdienst vorübergehend ganz oder teilweise einstellen oder auf bestimmte Postämter beschränken, jedoch muss die andre Verwaltung davon sofort, gegebenenfalls telegraphisch, benachrichtigt werden.

#### ARTICLE XXXVI.

##### *Temporary suspension of service.*

In extraordinary circumstances such as will justify the measure, either Administration may temporarily suspend the parcel-post service, either entirely or partially, or restrict it to certain offices, on condition of giving immediate notice, if necessary by telegraph, to the other Administration.

#### ARTIKEL XXXVII.

##### *Verschiedene Bestimmungen.*

Miscellaneous provisions.  
Monetary units.

1. Die in diesem Abkommen angegebenen Goldfranken und -centimes sind Goldfranken und -centimes im Sinne des Weltpostvertrags.

Treatment of questions arising.

2. Für alle in diesem Abkommen nicht geregelten Angelegenheiten, die die Anträge auf Zurückziehung oder Änderung der Aufschrift von Paketen, das Verlangen von Nachfragen und Rückscheinen für Wertpakete und Nachnahmepakete und deren Behandlung sowie die Ansprüche auf Ersatzleistungen betreffen, sollen die Vorschriften des Weltpostvertrags nebst Vollzugsordnung gelten, soweit sie anwendbar sind und den

#### ARTICLE XXXVII.

##### *Miscellaneous provisions.*

1. The gold francs and centimes mentioned in this Agreement are gold francs and centimes as defined in the Postal Union Convention.

2. Unless they are provided for in the present Agreement, all questions concerning requests for recall or change of address of parcels and the obtaining and disposition of inquiries, return receipts, and settlement of indemnity claims in connection with insured and C. O. D. parcels shall be treated in accordance with the provisions of the Universal Postal Convention and its Regulations of Execution, in so far as they are applicable

Bestimmungen des gegenwärtigen Abkommens nicht widersprechen. Im übrigen gelten, wenn eine andre Vereinbarung nicht getroffen worden ist, je nach dem beteiligten Lande die innern Gesetze, Verordnungen und Vorschriften des Deutschen Reichs oder der Vereinigten Staaten von Amerika.

3. Die Einzelheiten über die Anwendung dieses Abkommens werden von den beiden Verwaltungen durch Ausführungsbestimmungen festgesetzt, deren Vorschriften gemeinschaftlich im Wege des Schriftwechsels geändert oder vervollständigt werden können.

4. Die Verwaltungen der Vertragsländer werden einander die auf die Beförderung von Postpaketen bezüglichen Gesetze, Verordnungen und Gebühren sowie alle späteren Änderungen mitteilen.

and are not contrary to the foregoing provisions. If the case is not provided for at all, the domestic legislation of the United States of America or Germany or the decisions made by one country or the other are applicable in the respective country.

3. The details relative to the application of the present Agreement will be fixed by the two Administrations in Regulations of Execution, the provisions of which may be modified or completed by common consent by way of correspondence.

4. The two Administrations notify each other mutually of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as of all modifications in rates which may be subsequently made.

Details to be fixed  
by common consent.

Mutual notice of  
applicable provisions,  
etc.

#### ARTIKEL XXXVIII.

##### *Dauer des Abkommens.*

1. Dieses Abkommen ersetzt und hebt das in Berlin am 25. Juni 1928 und in Washington am 4. August 1928 unterzeichnete Postpaketabkommen sowie die in Berlin am 22. Dezember 1931 und in Washington am 5. Januar 1932 unterzeichnete Vereinbarung über den Paketnachnahmedienst auf.

2. Es soll am 2. Januar 1939 in Kraft treten, und gilt so lange, als es nicht von einer der beiden Postverwaltungen mit sechs Monaten Frist gekündigt wird.

Doppelt ausgefertigt und unterzeichnet in Berlin den 6. Februar 1939 und in Washington den 16. März 1939.

#### ARTICLE XXXVIII.

##### *Duration of the Agreement.*

1. This Agreement abrogates and substitutes the Parcel Post Convention signed at Washington, the 4th day of August, 1928, and at Berlin, the 25th day of June, 1928, and the Agreement for Collect-on-Delivery Parcel Post Service signed at Washington, the 5th day of January, 1932, and at Berlin, the 22nd day of December, 1931.

2. It shall become effective on January 2, 1939 and shall remain in effect as long as it has not been terminated six months in advance by one or the other of the two Administrations.

Done in duplicate and signed at Washington, the 16th day of March 1939 and at Berlin, the 6th of February 1939.

Agreements abro-  
gated.  
45 Stat. 2701.

47 Stat. 1906.

Effective date and  
duration.

Signatures.

OHNESORGE

*Deutscher Reichspostminister.*

JAMES A FARLEY

*Postmaster General of the  
United States of Amer-  
ica.*

[SEAL] JAMES A FARLEY  
*Postmaster General of the  
United States of Amer-  
ica.*

[SEAL] OHNESORGE  
*Deutscher Reichspostminister.*

**VOLLZUGSORDNUNG**  
zum Postpaktabkommen zwischen  
der Deutschen Reichspost und der  
Postverwaltung der Vereinigten  
Staaten von Amerika.

## ARTIKEL 1.

*Leitung.*

Circulation.

1. Jede Verwaltung hat die Postpakete, die ihr die andre Verwaltung zur Beförderung durch ihr Gebiet übergibt, auf demselben Wege und mit denselben Mitteln zu befördern wie ihre eigenen Pakete.

Ordinary parcels.

2. Unrichtig geleitete gewöhnliche Pakete werden auf dem kürzesten Wege, welcher der nachsendenden Verwaltung zur Verfügung steht, nach dem richtigen Bestimmungsort weiterbefördert. Unrichtig geleitete Wertpakete dürfen nur als Wertpakete an ihre Bestimmung geleitet werden. Ist dies nicht möglich, so sind sie nach dem Aufgabeband zurückzuleiten.

Insured parcels.

## ARTIKEL 2.

*Behältnisse.*

Receptacles.

1. Die Postverwaltungen der beiden Vertragsländer sind verpflichtet, für die erforderlichen Säcke zur Versendung ihrer Pakete zu sorgen. Jeder Sack ist mit dem Namen des Landes zu versehen, dem er gehört.

2. Die Säcke sind der absendenden Verwaltung mit nächster Post leer, zu 10 Stück gebündelt (9 Stück in einem versackt) zurückzusenden. Die Gesamtzahl der zurückgesandten Säcke ist in der Frachtkarte zu vermerken.

3. Im Falle dass 10 vH der Gesamtzahl der während eines Jahres gebrauchten Säcke nicht zurückgesandt worden sind, ist der Wert der fehlenden Säcke der Aufgabeverwaltung zu ersetzen.

**REGULATIONS OF EXECUTION**  
for the  
Parcel Post Agreement  
between the United States of America  
and Germany.

## ARTICLE 1.

*Circulation.*

1. Each Postal Administration shall forward by the routes and means which it uses for its own parcels, parcels delivered to it by the other Administration for conveyance in transit through its territory.

2. Ordinary parcels, when mis-sent, are reforwarded to their correct destination by the most direct route at the disposal of the forwarding Administration. Insured parcels, when mis-sent, may not be reforwarded except as insured mail. If this is impossible, they must be returned to origin.

## ARTICLE 2.

*Receptacles.*

1. The Postal Administrations of the two contracting countries shall provide the respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the country to which it belongs.

2. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. In case ten percent of the total number of bags used during the year have not been returned, the value of the missing bags must be repaid to the Administration of origin.



## ARTIKEL 3.

*Paketaustausch.*

1. Die Pakete sind in gehörig verschlossenen und versiegelten Säcken durch die von den beiden Verwaltungen im gegenseitigen Einvernehmen bestimmten Postämter auszutauschen. Sie werden auf Kosten des Aufgabelandes mit den von ihm vorgesehenen Gelegenheiten nach dem Bestimmungslande befördert.

2. Wertpakete sind in besondere Säcke zu verpacken. Die Aufschriftfahnen dieser Säcke sind mit einem jeweils zu verabredenden Unterscheidungsmerkmal zu versehen.

3. Das Gewicht eines Paket-sackes soll 36 Kilogramm (80 Pfund avoirdupois) nicht überschreiten.

## ARTIKEL 4.

*Mitteilungen.*

Jede Verwaltung hat der andern mitzuteilen:

a) die Länder, nach denen sie die ihr übergebenen Pakete weiterleiten kann,

b) den Gesamtbetrag der Gebühren, die ihr von der andern Verwaltung für jedes Bestimmungsland zu vergüten sind,

c) die Zahl der jedem Paket beizufügenden Zollinhaltserklärungen sowie alle andern etwa notwendigen Angaben.

## ARTIKEL 5.

*Beschaffenheit der Pakete.*

Jedes Paket muss:

1. die genaue Anschrift des Empfängers und des Absenders in lateinischen Buchstaben tragen. Anschriften, die aus Anfangsbuchstaben bestehen, dürfen nicht zugelassen werden, es sei denn, dass die Anfangsbuchstaben als Firmenbezeichnung des Empfängers oder des Absenders anerkannt sind. Aufschriften mit Stift sind unzulässig; Pakete, deren Auf-

## ARTICLE 3.

*Method of exchange of parcels.*

1. The parcels shall be exchanged, in sacks duly fastened and sealed, by the offices appointed by agreement between the two Administrations, and shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.

2. Insured parcels shall be enclosed in separate sacks from those in which ordinary parcels are contained and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

3. The weight of any bag of parcels shall not exceed 36 kilograms (80 pounds avoirdupois).

Method of exchange of parcels.

Insured parcels.

Maximum weight.

## ARTICLE 4.

*Information to be furnished.*

Each Postal Administration shall communicate to the other:

a) The countries to which it can forward parcels handed over to it.

b) The total amount to be credited to it by the other Administration for each country of destination.

c) The number of customs declarations which must accompany each parcel, and any other necessary information.

Countries to which parcels can be forwarded.

Credits.

Customs declarations.

## ARTICLE 5.

*Preparation of parcels.*

Every parcel shall:

1. Bear the exact address of the addressee and of the sender in Roman characters. Parcels on which the name of the sender or of the addressee is indicated merely by initials are not admitted, unless the initials are the adopted trade name of the sender or addressee which is generally understood. Addresses in pencil are not admitted; however, addresses written

Preparation of parcels.

schrift mit Tintenstift auf vorher angefeuchteter Schreibfläche hergestellt ist, werden indes angenommen. Die Anschrift eines Pakets muss auf das Paket selbst oder auf eine Fahne geschrieben werden, die so haltbar an der Sendung befestigt ist, dass sie sich nicht loszulösen vermag. Dem Absender eines Pakets ist zu empfehlen, in die Sendung ein Doppel der Anschrift mit Angabe seiner eigenen Anschrift einzulegen, besonders bei Paketen, bei denen wegen ihrer Verpackung oder Gestalt die Anschrift auf einer Fahne angebracht ist.

2. in einer Weise verpackt sein, die den Inhalt während der ganzen Beförderungsdauer genügend schützt und auch verhindert, dass ihm beigegeben werden kann, ohne eine sichtbare Spur des Eingriffs zu hinterlassen. Gegenstände, die die Postbeamten verletzen oder andere Sendungen beschädigen können, müssen so verpackt sein, dass jede Gefahr ausgeschlossen ist.

3. Wertpakete müssen verschlossen und durch Abdrücke in Siegellack usw. gehörig gesichert sein; dabei kann zum besseren Schutz verlangt werden, dass die Siegelverschlüsse ein besonderes Gepräge oder Kennzeichen des Absenders tragen. Gewöhnliche Pakete können nach dem Ermessen des Absenders versiegelt oder sorgfältig umschnürt werden.

4. die Zollverwaltung des Bestimmungslandes ist berechtigt, jedes Paket zur zollamtlichen Inhaltsprüfung zu öffnen und dabei die Siegel- oder sonstigen Verschlüsse zu brechen. So behandelte und wieder verschlossene Pakete sind amtlich zu versiegeln, ausgenommen gewöhnliche Pakete, die der Absender mit Siegelverschluss ursprünglich nicht versehen hat.

in indelible pencil on a previously dampened surface are accepted. The address of a parcel shall be written on the parcel itself or on a label or tag so firmly attached to it that it cannot become detached. The sender of a parcel shall be advised to enclose in the parcel a copy of the address together with a note of his own address; especially when the use of a tag for the address is rendered necessary by the packing or form of the parcel.

2. Be packed in such a manner that the contents are protected over the whole route, and in such a way that, in case of rifling, the traces thereof may be easily discovered. Articles liable to injure officers of the Post Office or to damage other parcels shall be packed so as to prevent any risk.

3. Insured parcels must be closed and securely sealed with wax or otherwise. Ordinary parcels may be sealed at the option of the sender, or careful tying is sufficient as a mode of closing. As a protective measure, either Administration may require that a special imprint or mark of the sender appear on the wax or lead seals closing insured parcels mailed in its service.

4. The Customs Administration of the country of destination is authorized to open the parcels in order to inspect the contents. To that end, the seals or any other fastenings may be broken. Parcels opened by the Customs must be refastened and also officially resealed, except in the case of ordinary parcels which were not sealed by the senders in the first instance.

#### ARTIKEL 6.

##### *Besondere Verpackung.*

Special packing.

1. Flüssigkeiten oder leicht schmelzbare Stoffe sind in doppel-

#### ARTICLE 6.

##### *Special packing.*

1. Liquids and easily liquefiable substances must be sent in a

ten Behältnissen zu versenden. Zwischen dem inneren Behältnis (Flasche, Fläschchen, Kästchen usw.) und dem äusseren Behältnis (aus Metall, widerstandsfähigem Holz, kräftiger Wellpappe oder starker Fiberpappe oder gleich widerstandsfähigem Stoff) soll ein Raum gelassen werden, der mit Sägemehl, Kleie oder einem andern aufsaugenden Stoff in genügender Menge derart auszufüllen ist, dass beim Zerschneiden des inneren Behältnisses die ganze Flüssigkeit aufgesogen wird.

2. Pulver und Farben in Pulverform sind in verlötete Metallbehältnisse zu verpacken, die durch genügend haltbare äussere Umhüllungen zu schützen sind, um zu verhüten, dass der Paketinhalt andre Sendungen beschädigen kann.

#### ARTIKEL 7.

##### *Paketkarten und Zollinhalts- erklärungen.*

1. Der Absender muss jedem Paket eine Paketkarte beifügen und dazu ein für diesen Zweck besonders vorgeschriebenes Formblatt verwenden. Die Paketkarte muss folgende Angaben enthalten: die mit der Paketaufschrift übereinstimmende Anschrift des Empfängers, die Anschrift des Absenders, Name des Aufgabe- und Bestimmungsamts, das Gewicht der Sendung, den Betrag der verrechneten Gebühren, die Zahl der beigefügten Zollinhaltsklärungen und bei Wertpaketen die Paketaufgabennummer. Die Paketkarten zu den nach Deutschland gerichteten Paketen werden zusammen mit den Urschriften der Frachtkarten nach Deutschland gesandt, bei den nach den Vereinigten Staaten von Amerika gerichteten Paketen werden sie von den deutschen Grenzauswechselpostämtern zurückbehalten.

2. Ausserdem hat der Absender jedem Paket eine Zollinhaltsklärung auf einem für diesen Zweck besonders vorgesehenen Formblatt beizufügen, die an dem Paket haltbar zu befestigen ist und die folgende Angaben ent-

double receptacle. Between the inner receptacle (bottle, flask, box, etc.) and the outer receptacle (box of metal, strong wood, strong corrugated cardboard, or strong carton of fibreboard, or receptacle of equal strength) there must be left a space to be filled with sawdust, bran, or other absorbent material, in sufficient quantity to absorb all the liquid in case the inner receptacle is broken.

2. Powders and dyes in powder form must be packed in strong boxes of tin or other metal, which, after soldering, must be placed in turn in substantial outer covers in such a way as to avoid all damage to other articles.

#### ARTICLE 7.

##### *Dispatch notes and customs declarations.*

1. The sender shall prepare a dispatch note for each parcel on a special form provided for the purpose. The dispatch note shall give the office of mailing, name and address of the sender, number of customs declarations, weight, postage paid, name and address of the addressee, the office of destination and, in the case of insured parcels, the number given the parcel. The dispatch notes for parcels sent to Germany shall be sent to Germany together with the originals of the parcel bills and in the case of parcels sent to the United States of America they shall be retained by the German offices of exchange.

Dispatch notes and  
customs declarations.

2. The sender shall also prepare one customs declaration for each parcel sent by either country upon a special form provided for the purpose. The customs declaration shall give a general description of the parcel, an accurate

halten muss: eine allgemeine Beschreibung des Pakets, eine genaue Angabe des Inhalts und des Wertes der einzelnen Gegenstände, den Tag der Auflieferung der Sendung, das Roh- und Reingewicht und die Anschriften des Empfängers und des Absenders.

3. Die vertragschliessenden Verwaltungen übernehmen für die Richtigkeit der Zollinhaltsklärungen oder der Paketkarten keinerlei Verantwortlichkeit.

statement in detail of its contents and value, date of mailing, gross and net weight, the sender's name and address, and the name and address of the addressee; and shall be securely attached to the parcel.

3. The contracting Administrations accept no responsibility for the correctness of the customs declarations or of the dispatch notes.

#### ARTIKEL 8.

##### *Rückscheine.*

Return receipts.

1. Bei Paketen, für die der Absender einen Rückschein verlangt, hat das Aufgabepostamt Paket und Paketkarte mit dem in die Augen fallenden Vermerk "Rückschein" oder "Return receipt requested", "Avis de réception", abgekürzt "A. R.", zu versehen. Das Rückscheinformblatt wird von dem Aufgabepostamt oder einem von der Aufgabeverwaltung sonst bestimmten Postamt ausgefertigt und bei den nach Deutschland bestimmten Paketen an der Paketkarte und bei den nach den Vereinigten Staaten von Amerika bestimmten Paketen an den Paketen selbst befestigt. Gelangt das Formblatt nicht an das Bestimmungspostamt, so fertigt dies von Amts wegen einen neuen Rückschein aus.

2. Das Bestimmungspostamt sendet das ordnungsmässig ausgefüllte Formblatt gebührenfrei an den Absender des Pakets zurück.

3. Verlangt der Absender nachträglich einen Rückschein, so füllt das Aufgabepostamt ein Rückscheinformblatt aus, fügt es einem Laufscheiben bei, auf dem die Einzelheiten der Beförderung des Pakets zu vermerken sind, und sendet es an das Bestimmungspostamt des Pakets. Bei der Zustellung des Pakets nimmt das Bestimmungspostamt das Laufscheiben ab und behandelt das Rückscheinformblatt in der im vorhergehenden Absatz angegebenen Weise.

#### ARTICLE 8.

##### *Return receipts.*

1. As to a parcel for which a return receipt is asked, the office of origin places on the parcel the conspicuous notice "Rückschein", or "Return receipt requested", "Advice of delivery requested", "Avis de réception", or the letters "A. R." The office of origin or any other office appointed by the dispatching Administration shall fill out a return receipt form and attach it to the dispatch note in the case of parcels for Germany and to the parcel itself in the case of parcels for the United States of America. If the form does not reach the office of destination, that office makes out a duplicate.

2. The office of destination, after having duly filled out the return receipt form, returns it free of postage to the address of the sender of the parcel.

3. When the sender applies for a return receipt after a parcel has been mailed, the office of origin duly fills out a return receipt form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel and then forwards it to the office of destination of the parcel. In the case of the due delivery of the parcel, the office of destination withdraws the inquiry form, and the return receipt is treated in the manner prescribed in the foregoing Section.

## NACHNAHMEPAKETE

COLLECT-ON-DELIVERY  
PARCELS

## ARTIKEL 9.

## ARTICLE 9.

*Vermerke auf Paket und Paket-  
karte.**Marking of C. O. D. parcels and  
dispatch notes.*

Jedes Nachnahmepaket und die zugehörige Paketkarte müssen auf der Anschriftseite den deutlichen Aufdruck eines amtlichen Stempels oder einen Zettel mit dem Vermerk "Collect - on - delivery" oder "C. O. D." oder "Remboursement" tragen. Unmittelbar neben diesen Worten muss die Nummer des Pakets, die die Wertaufgabennummer (nur eine Originalnummer) sein soll, angegeben sein. Danach ist in lateinischen Buchstaben und in arabischen Ziffern der genaue Nachnahmebetrag zu vermerken, in den aber nicht einzubeziehen sind die Postanweisungsgebühr oder Gebühren, die im Bestimmungsland des Pakets für die Übermittlung des Nachnahmebetrags an den Absender (im Aufgabeland) eingezogen werden.

Each C. O. D. parcel and the relative dispatch note must bear on the address side, the conspicuous impression of an official stamp or label reading "Collect-on-delivery" or "C. O. D." or "Remboursement", and in close proximity to these words must appear the number given the parcel which shall be the insurance number (only one original number) and after it must be shown in Roman letters and in Arabic figures, the exact amount of the collect-on-delivery charges which should not include the additional money order fee or fees that will be collected in the country making delivery of the parcel for making the remittance to the sender.

Stamps or labels,  
etc.

## ARTIKEL 10.

## ARTICLE 10.

*Austausch und Eintragung der  
Nachnahmepakete.**Exchange and billing of C. O. D.  
parcels.*

1. Nachnahmepakete sind durch die Auswechslungsämter auszutauschen, die durch Vereinbarung zwischen den beiden Verwaltungen bestimmt sind.

1. Parcels with C. O. D. charges shall be exchanged through the offices appointed by agreement between the two Administrations.

Exchange and bill-  
ing.

Der Austausch der Nachnahmepakete zwischen diesen Ämtern hat in unmittelbaren Kartenschlüssen in besonderen Säcken, die nur Nachnahmepakete enthalten sollen, zu erfolgen. Die Buchstaben "C. O. D." oder das Wort "Remboursement" sind in auffälliger Weise in den betreffenden Papieren und auf den Beutelfahnen anzubringen.

The exchanges of C. O. D. parcels between such offices shall be effected in direct dispatches in special sacks containing nothing but C. O. D. articles, the letters "C. O. D." or the word "Remboursement" being entered very conspicuously in the documents covering them, as well as on the labels of the sacks.

2. Solche Pakete sind in besonderen Frachtkarten nachzuweisen und zwar jedes Paket einzeln unter Anführung der Paketaufgabennummer, des Aufgabepostamtes und des Nachnahmebetrags. Ausserdem müssen bei den nach Deutschland gerichteten Nachnahmepaketen die Gewichts-

2. Such parcels will be listed in separate parcel bills to show, in respect to each parcel, the C. O. D. (insured) number, the office of origin and the C. O. D. charges. In addition there must be shown in the case of parcels for Germany, an indication of the weight division to which the parcel belongs,

stufen der Pakete wie bei den gewöhnlichen Paketen und bei den nach den Vereinigten Staaten von Amerika bestimmten Nachnahmepaketen die Gesamtzahl und das Gesamtgewicht der in der Sendung enthaltenen Pakete angegeben werden.

3. Nach Eingang eines Kartenschlusses mit Nachnahmepaketen ist der Kartenschluss bei dem Auswechslungspostamt des Bestimmungslandes sorgfältig zu prüfen und im übrigen gemäss Artikel 19 zu behandeln.

## ARTIKEL 11.

*Nachnahmepostanweisungen.*

C. O. D. money orders.

1. Jede Postanweisung über einen in einem der beiden Länder eingezogenen Nachnahmebetrag muss die Paket - Aufgabennummer und den sichtbaren Vermerk "C. O. D." oder "Remboursement" tragen.

2. Nachnahmepostanweisungslisten haben ausser den sonst üblichen Angaben die Aufgabennummer der Pakete zu enthalten. In der Liste muss bei jeder Nachnahmepostanweisung auch der Name des Einzahlers und der Name und die genaue Anschrift des Empfängers angegeben werden.

## ARTIKEL 12.

*Nachnahmepostanweisungslisten.*

Authorized offices.

Die Auswechslungspostämter Köln 2 und New York sind allein ermächtigt, Listen über Nachnahmepostanweisungen zu fertigen und zu übersenden. Die Nachnahmepostanweisungen sind getrennt von den übrigen Postanweisungen einzutragen; die Liste ist mit dem Vermerk "Collect-on-delivery" oder "Remboursement" zu versehen.

## ARTIKEL 13.

*Nicht zahlbare Nachnahmepostanweisungen.*

Disposition, etc., of unpayable money orders.

1. Die Nachnahmepostanweisungen, die dem Empfänger aus

the same as in the case of ordinary parcels; and in the case of parcels for the United States, the total number and total net weight of the parcels comprising each dispatch.

3. Upon receipt of a dispatch of C. O. D. parcels, at the exchange office of the country of destination, the dispatch must be carefully checked and otherwise treated as provided in Article 19 of the Regulations of Execution.

## ARTICLE 11.

*C. O. D. money orders.*

1. Every money order, issued in either country in payment of C. O. D. charges on a parcel, must show plainly the C. O. D. (insured) number of the parcel and bear the letters "C. O. D." or the word "Remboursement" in a conspicuous position.

2. The C. O. D. money order lists shall show, in addition to the usual details, the C. O. D. (insured) number of the parcels. No C. O. D. money order shall be listed unless the remitter's name and the payee's name and exact address are included.

## ARTICLE 12.

*Lists of C. O. D. money orders.*

The offices of New York and of Cologne 2 are the only ones authorized to make up and to send lists of C. O. D. money orders. Such money orders shall be listed separately from the ordinary money orders and the list shall be marked "Collect-on-delivery" or "Remboursement".

## ARTICLE 13.

*Unpayable money orders.*

1. The C. O. D. money orders which have not been paid to the

irgendeinem Grunde nicht ausbezahlt worden sind, werden der Verwaltung des Ursprungslandes des Nachnahmepakets zur Verfügung gestellt. Wenn festgestellt wird, dass der Nachnahmedienst zu betrügerischen Zwecken benutzt worden ist, wird mit der Auszahlung der fraglichen Postanweisungen, wenn tunlich, innegehalten werden, und es werden je nach Lage des Falls die nach den Gesetzen und Vorschriften des Ursprungslandes der Nachnahmesendung vorgesehenen Anordnungen getroffen.

2. Hinsichtlich der andern Förmlichkeiten unterliegen die Nachnahmepostanweisungen den Bestimmungen für den Postanweisungsdienst zwischen den beiden Ländern.

payee for any reason shall be subject to the disposition of the Administration of the country of origin of the articles to which they relate. When it appears that the C. O. D. service was used in furtherance of a scheme to defraud, payment of the money orders in question will be withheld, if practicable, and the orders disposed of in accordance with the equities of each case under the rules and regulations of the country of origin of the C. O. D. parcels involved.

2. As for other formalities, C. O. D. money orders shall be subject to the provisions governing the money order exchange between the two countries.

## ARTIKEL 14.

*Nachsendung. Zurückziehung.*

1. Wenn nichts andres vereinbart wird, dürfen Nachnahmepakete nur nach Deutschland oder nach den Vereinigten Staaten nachgesandt werden.

2. Der Absender eines Nachnahmepakets kann es zurückfordern, wenn er sich den hierüber im Aufgabeland geltenden Vorschriften unterwirft.

## ARTICLE 14.

*Redirection. Recall.*

1. Unless mutually otherwise agreed, C. O. D. parcels shall not be reforwarded to any other country than the United States or Germany.

2. The sender of a C. O. D. parcel may cause it to be recalled upon complying with such requirements as may be established in this connection by the country of origin.

Redirection.

Recall.

## WERTPAKETE

## ARTIKEL 15.

*Wertangabe. Gewichtsangabe.*

1. Bei Wertpaketen muss der Betrag des versicherten Wertes in der Währung des Aufgabelandes und in Goldfranken auf dem Paket und der zugehörigen Paketkarte in lateinischer Schrift in Buchstaben und arabischen Ziffern angegeben sein. Auch hat die Aufgabeverwaltung das genaue Gewicht jedes Pakets anzugeben:

- a) in der Aufschrift des Pakets und
- b) auf der Paketkarte an den dafür vorgesehenen Stellen.

## INSURED PARCELS

## ARTICLE 15.

*Indication of insured value and of weight.*

1. For insured parcels, the amount of insured value must appear on the parcel and the relative dispatch note in currency of the country of origin and in gold francs, in Roman letters written out in full, and in Arabic figures. Also, the exact weight of each parcel must be entered by the Administration of origin:

- a) on the address side of the parcel and
- b) on the dispatch note in the place reserved for this purpose.

Indication of insured value and of weight.

## ARTIKEL 16.

*Aufgabezettel und Freimarken.*

Insurance labels and postage stamps.

Jedes in den Vereinigten Staaten von Amerika aufgelieferte Wertpaket und die zugehörige Paketkarte müssen auf der Anschriftseite eine Aufgabennummer und einen Zettel mit der Angabe "Wertpaket", "Insured" oder "Valeur déclarée" in lateinischen Buchstaben tragen, oder diese Wörter müssen auf das Paket selbst deutlich geschrieben oder gestempelt sein. In Deutschland aufgelieferte Wertpakete und die zugehörigen Paketkarten tragen einen Zettel mit dem Buchstaben "V". Der Name des Aufgabepostamtes und die Aufgabennummer sind in Rotdruck angegeben.

Die Zettel und die Freimarken auf Wertpaketen müssen so angebracht sein, dass sie Beschädigungen der Umhüllung nicht verdecken können, auch dürfen sie nicht von einer Seite auf die andre Seite der Umhüllung übergreifen und auf diese Weise den Rand verdecken.

## ARTIKEL 17.

*Nachsendung.*

Reforwarding.

Unrichtig geleitete Pakete dürfen von der nachsendenden Verwaltung nicht mit Zoll- oder andern Gebühren belegt werden.

Gibt eine Verwaltung ein Paket an die Aufgabeverwaltung zurück, so erstattet sie ihr die empfangenen Vergütungen und teilt ihr den Irrtum durch eine Meldung mit.

Sendet eine Verwaltung ein Paket nach einem dritten Land nach und reichen in solchen Fällen die ihr vergüteten Gebühren zur Deckung der Kosten für die Weitergabe nicht aus, so vergütet sie der Verwaltung, der sie das Paket zuführt, die ordnungsmässigen Beförderungsgebühren und stellt dem Auswechslungs-Postamt, das ihr das unrichtig geleitete Paket überwiesen hat, den erwachsenden Fehlbetrag in Schuld. Der Grund der Anrechnung wird diesem Postamt durch eine Meldung mitgeteilt.

## ARTICLE 16.

*Insurance labels and postage stamps.*

Each insured parcel posted in the United States and the relative dispatch note must bear on the address side an insurance number and a label with the words "Wertpaket", "Insured", or "Valeur déclarée" in Roman characters, or these words must be conspicuously marked or stamped on the parcel itself. Insured parcels posted in Germany and the relative dispatch notes must bear labels with the letter "V", the name of the office of origin, and the serial number in red color.

The labels and postage stamps affixed to insured parcels must be spaced so that they cannot conceal injuries to the packing. Neither may they be folded over two faces of the wrapping so as to cover the edge.

## ARTICLE 17.

*Reforwarding.*

Parcels, when missent, must not be charged with customs or other charges by the reforwarding Administration.

When the reforwarding involves return of the parcel to the office of origin, the retransmitting Administration refunds to that office the credits received and reports the error by a bulletin of verification.

When the reforwarding involves dispatch of a parcel to a third country and if the amount credited to the retransmitting Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration allows to the Administration to which it forwards the parcel the credits due it; it then recovers the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a bulletin of verification.



## ARTIKEL 18.

*Frachtkarte.*

1. Besondere Frachtkarten müssen für gewöhnliche Pakete und für Wertpakete ausgefertigt werden.

Die Frachtkarte ist doppelt herzustellen. Das Doppel wird mit der Briefpost, die Urschrift in einem der Säcke versandt. Die Fahne des Sackes mit der Frachtkarte ist mit dem Buchstaben "F" zu bezeichnen.

2. Die zu einem nach den Vereinigten Staaten von Amerika bestimmten Kartenschluss gehörigen gewöhnlichen Pakete sind in die Frachtkarte nach Stückzahl und Gesamt eingewicht der Pakete einzutragen. Die zu einem nach Deutschland bestimmten Kartenschluss gehörigen Pakete sind in die Frachtkarten nach der Stückzahl und getrennt nach den folgenden Gewichtsstufen einzutragen:

- 1) bis zu 1 kg (2 Pfund);
- 2) über 1 bis 5 kg (11 Pfund);
- 3) über 5 bis 10 kg (22 Pfund);
- 4) über 10 bis 15 kg (33 Pfund);
- 5) über 15 bis 20 kg (44 Pfund).

3. Wertpakete sind einzeln nach Aufgabennummer und Aufgabepostamt in die Frachtkarte einzutragen. Bei Wertpaketen nach den Vereinigten Staaten von Amerika muss auch das Gesamt eingewicht der Pakete vermerkt werden. Bei Wertpaketen nach Deutschland müssen wie bei gewöhnlichen Paketen die Gewichtsstufen der Pakete angegeben werden.

4. Die im offenen Durchgang versandten Pakete müssen einzeln in die Frachtkarte eingetragen werden.

5. Nachzusendende oder an den Absender zurückgehende Pakete sind in die Frachtkarte mit dem Zusatz "Zurück" oder "Nachgesandt" einzeln einzutragen. Die auf solchen Paketen lastenden Gebühren sind in der Spalte "Bemerkungen" anzugeben.

## ARTICLE 18.

*Billing of parcels.*

1. Separate parcel bills must be prepared for ordinary parcels and for insured parcels.

*Billing of parcels.*

The parcel bills are prepared in duplicate. The duplicate is sent in the regular mails, while the original is inserted in one of the sacks. The sack containing the parcel bill is to be designated by the letter "F" on the label.

2. The ordinary parcels included in each dispatch to the United States of America are to be entered on the parcel bills to show the total number of parcels and the total net weight thereof. The ordinary parcels included in each dispatch to Germany are to be entered on the parcel bills to show the total number of parcels according to the following divisions of weight:

1. not exceeding 1 kg (2 lbs.);
2. over 1, not exceeding 5 kg (11 lbs.);
3. over 5, not exceeding 10 kg (22 lbs.);
4. over 10, not exceeding 15 kg (33 lbs.);
5. over 15, not exceeding 20 kg (44 lbs.).

3. Insured parcels shall be entered individually on the parcel bills to show the insurance number and the name of the office of origin. In the case of insured parcels for the United States, the total net weight of the parcels must also be shown. In the case of insured parcels for Germany, an indication of the weight division to which the parcel belongs must also be shown, the same as in the case of ordinary parcels.

4. Parcels sent "à découvert" must be entered separately on the parcel bills.

5. Returned or redirected parcels must be entered individually on the parcel bills and be followed by the word "Returned" or "Redirected". A statement of the charges which may be due on these parcels should be shown in the "Observations" column.

6. Die Gesamtzahl der zu jedem Kartenschluss verwendeten Säcke muss auch in der Frachtkarte vermerkt werden.

7. Die absendenden Auswechslungs-Postämter haben die Frachtkarten in der linken oberen Ecke mit einer jährlich fortlaufenden Nummer zu versehen. Die letzte Nummer des alten Jahres ist in der ersten Frachtkarte des neuen Jahres zu vermerken.

8. Die beiden Verwaltungen werden sich im Wege des Schriftwechsels sowohl über die genaue Art des Nachweises der Durchgangspakete und der dazu verwendeten Behältnisse als auch über die in diesem Abkommen nicht vorgesehenen Einzelheiten des Austausches von Paketen und Behältnissen verständigen.

6. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

7. Each dispatching exchange office numbers the parcel bills in the upper left-hand corner in accordance with an annual series. The last number of the preceding year must be mentioned on the first bill of the following year.

8. The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other, together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Agreement, shall be settled by mutual consent through correspondence between the two Administrations.

#### ARTIKEL 19.

*Abnahme durch die Auswechslungs-Postämter.*

#### ARTICLE 19.

*Verification by the exchange offices.*

Verification by exchange offices.

1. Das empfangende Auswechslungs-Postamt hat die Paketpost beim Eingang zu prüfen. Auch die Eintragungen in der Frachtkarte müssen sorgfältig geprüft werden. Irgendwelche Unterschiede oder Unregelmässigkeiten sind dem absendenden Auswechslungs-postamt unverzüglich zu melden. Geschieht dies nicht, wird angenommen, dass die Paketpost in jeder Beziehung vollkommen in Ordnung war.

Stellt das empfangende Auswechslungs-Postamt beim Eingang eines Kartenschlusses irgendwelche Irrtümer oder Unregelmässigkeiten fest, die zu Ersatzverbindlichkeiten führen könnten, so müssen alle Gegenstände, die zu späteren Nachforschungen oder zur Prüfung der Ersatzansprüche dienen können, zurückbehalten werden.

2. Das absendende Auswechslungs-Postamt, an das die Meldungen gerichtet sind, schickt sie nach Prüfung mit ihren etwaigen Bemerkungen zurück. Die zurückgesandten Meldungen werden den Frachtkarten, auf die sie sich

1. On receipt of a dispatch, the exchange office of destination proceeds to verify it. The entries in the parcel bill must be verified exactly. Each error or omission must be brought immediately to the knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If any error or irregularity which could give rise to liability for compensation is found upon receipt of a dispatch, all objects which may serve later on for investigations, or for examination of requests for indemnity, must be kept.

2. The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which

beziehen, beigefügt. Berichtigungen in einer Frachtkarte, zu denen keine Belege vorliegen, werden als ungültig angesehen.

3. Erscheint es angezeigt, so kann das absendende Auswechslungs-Postamt ausserdem telegraphisch benachrichtigt werden; die Kosten trägt die Verwaltung, die das Telegramm absendet.

4. Fehlt die zu einem Kartenschluss gehörige Frachtkarte, so ist eine Ersatzfrachtkarte anzufertigen. Eine Abschrift dieser Frachtkarte ist dem Auswechslungs-Postamt, das den Kartenschluss abgesandt hat, zu übersenden.

5. Das Auswechslungs-Postamt, das von einem andern Auswechslungs-Postamt ein ungenügend verpacktes oder beschädigtes Paket übernimmt, muss es weiterleiten, nachdem es das Paket nötigenfalls neu verpackt hat, wobei die ursprüngliche Verpackung möglichst zu erhalten ist.

Ist die Beschädigung so erheblich, dass der Inhalt der Sendung herausgenommen werden kann, so hat das Postamt das Paket zunächst amtlich zu öffnen und den Inhalt festzustellen.

In beiden Fällen wird das Paket vor und nach der Neuverpackung gewogen; das Gewicht ist auf der Paketumhüllung selbst anzugeben. Hinter die Gewichtsangabe sind der Vermerk "Neu verpackt in . . . ." und die Unterschrift der Beamten zu setzen, die die Sendung neu verpackt haben.

it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the Office sending such telegram.

4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must re-dispatch such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Repacked at . . . .", and the signature of the agents who have effected such repacking.

#### ARTIKEL 20.

##### *Abrechnung.*

1. Jede Verwaltung hat vierteljährlich nach den Angaben in den Frachtkarten eine Rechnung aufzustellen.

2. Diese Rechnungen werden mit den Frachtkarten und gegebenenfalls den Abschriften der sich auf diese beziehenden Meldungen der andern Verwaltung zur Prüfung übersandt, und zwar im Laufe des Monats, der dem Vierteljahr folgt, auf das die Rechnung sich bezieht.

#### ARTICLE 20.

##### *Accounting.*

1. At the end of each quarter, each Administration makes up an account on the basis of the parcel bills.

2. These accounts accompanied by the parcel bills, and, if any, copies of verification notes relating thereto, shall be submitted to the examination of the corresponding Administration in the course of the month following the quarter to which they relate.

*Accounting.*

3. Die Aufstellung, Übersendung, Prüfung und Anerkennung der Rechnungen sowie die Begleichung der Restschuld sind möglichst schnell zu bewirken, spätestens aber binnen drei Monaten nach Ablauf des Zeitraums, auf den sich die Rechnung bezieht.

4. Die aus diesen Rechnungen zwischen den beiden Verwaltungen sich ergebende Restschuld soll durch Wechsel auf New York oder auf andre, im Wege des Schriftwechsels im gegenseitigen Einvernehmen zwischen den beiden Verwaltungen zu vereinbarende Weise beglichen werden. Die entstehenden Wechsel- oder andern Kosten trägt die Schuldnerverwaltung.

3. The recapitulation, transmission, examination, and acceptance of these accounts must not be delayed, and the payment of the balance shall take place, at the latest, at the expiration of the following quarter.

4. The balance resulting from the adjustment of the accounts between the two Administrations is paid by a sight draft drawn on New York, or by some other means mutually agreed upon by correspondence. The expenses of payment are chargeable to the debtor Administration.

## ARTIKEL 21.

*Verschiedene Mitteilungen.*

Miscellaneous notifications.

Die Verwaltungen der vertragsschliessenden Länder werden einander alle erforderlichen Einzelheiten über den Postpaketaustausch mitteilen.

Effective date and duration.

Diese Vollzugsordnung gilt vom Tag an, an dem das Postpaketabkommen in Kraft tritt, und soll dieselbe Dauer wie dieses Abkommen haben.

Signatures.

Geschehen in doppelter Ausfertigung in Berlin, am 6. Februar 1939 und in Washington, am 16. März 1939.

OHNESORGE

*Deutscher Reichspostminister.*

[SEAL] JAMES A FARLEY  
*Postmaster General of the United States of America.*

Approval by the President.

The foregoing Agreement between the United States of America and Germany concerning the exchange of parcels by parcel post and the Detailed Regulations for its execution have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

By the President.

CORDELL HULL

*Secretary of State.*

WASHINGTON, March 25, 1939

## ARTICLE 21.

*Miscellaneous notifications.*

The Administrations of the two countries shall communicate to each other all items necessary for carrying out the exchange of parcels.

These Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement.

Done in duplicate and signed at Washington, the 16th day of March 1939 and at Berlin, the 6th of February 1939.

JAMES A FARLEY

*Postmaster General of the United States of America.*

[SEAL] OHNESORGE,  
*Deutscher Reichspostminister.*

FRANKLIN D ROOSEVELT

*Agreement between the United States of America and Great Britain concerning a joint administration of Canton and Enderbury Islands in the South Pacific Ocean. Effected by exchange of notes signed April 6, 1939.*

April 6, 1939  
[E. A. S. No. 145]

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE

WASHINGTON

*April 6, 1939*

**EXCELLENCY:**

With reference to recent correspondence between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Canton and Enderbury Islands in the South Pacific Ocean, I have the honor to propose an Agreement concerning these islands in the following terms:

Agreement with Great Britain concerning a joint administration of Canton and Enderbury Islands.

I

The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

II

The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

III

The islands shall, during the period of joint control, be subject to a special joint *ad hoc* régime the details of which shall be determined by the two Governments in consultation from time to time.

IV

The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

## V

The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose, shall be the subject of agreement between the two Governments.

## VI

An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

## VII

The joint control hereby set up shall have a duration of fifty years from this day's date. If no agreement to the contrary is reached before the expiration of that period the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments.

I have the honor to suggest that if an Agreement in the sense of the foregoing paragraphs is acceptable to the Government of the United Kingdom this note and Your Excellency's reply thereto in similar terms shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Right Honorable Sir RONALD LINDSAY, P. C.,  
G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

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*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

No. 391

BRITISH EMBASSY,  
WASHINGTON, D. C.,  
*April 6th, 1939*

SIR,

I have the honour to refer to your Note of this day's date proposing an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on the subject of Canton and Enderbury Islands in the following terms:

## I.

The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

## II.

The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

## III.

The islands shall, during the period of joint control, be subject to a special joint *ad hoc* régime the details of which shall be determined by the two Governments in consultation from time to time.

## IV.

The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

## V.

The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose shall be the subject of agreement between the two Governments.

## VI.

An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

## VII.

The joint control hereby set up shall have a duration of fifty years from this day's date. If no agreement to the contrary is reached before the expiration of that period the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments.

I have the honour to inform you that an Agreement in the terms of the foregoing paragraphs is acceptable to the Government of the United Kingdom and that this Note, and your Note under reference, will be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,

*Secretary of State of the United States,*

*Washington, D. C.*



*Agreement for the exchange of parcel post packages between the Republic of Argentina and the United States of America. Signed at Buenos Aires February 28, 1939 and at Washington April 8, 1939; approved by the President April 17, 1939.*

February 28, 1939

April 8, 1939

AGREEMENT FOR THE EXCHANGE OF INSURED PARCEL POST PACKAGES BETWEEN THE REPUBLIC OF ARGENTINA AND THE UNITED STATES OF AMERICA.

ACUERDO SOBRE EL INTERCAMBIO DE ENCOMIENDAS CON DECLARACIÓN DE VALOR ENTRE LA REPÚBLICA ARGENTINA Y LOS ESTADOS UNIDOS DE NORTE AMÉRICA.

In the exercise of the option granted by Article 1, Section 3 of the Agreement Relative to Parcel Post of the Postal Union of the Americas and Spain, the Post Office Department of the United States of America and the Administration of Posts and Telegraphs of the Argentine Republic, for the purpose of bringing about a better public service that will permit the exchange of parcel post on a basis of security which will facilitate the traffic in articles of value between both countries, have decided to draw up the following Agreement:

En uso de la facultad prevista por el artículo 1º, inciso 3, del Acuerdo Relativo a Encomiendas Postales, de la Unión postal de las Américas y España, el Departamento de Correos de los Estados Unidos de Norte América y la Dirección General de Correos y Telégrafos de la República Argentina, con el propósito de realizar un mejor servicio público, que permita utilizar el intercambio de paquetes postales sobre una base de seguridad que facilite el tráfico de artículos de valor entre ambos países resuelven suscribir el siguiente Acuerdo:

Agreement with Argentina for the exchange of insured parcel post packages.  
50 Stat. 1890.

ARTICLE I.

ARTÍCULO I.

*Insurance.*

*Declaración de valor.*

1. The Administrations of the United States of America (including Alaska, Hawaii, Puerto Rico, Guam, Samoa, and the U. S. Virgin Islands) on one hand and of the Argentine Republic on the other, agree to execute the service of parcels with an insured value up to the maximum limit of 500 gold francs or its equivalent in the currency of the country of origin, upon payment by the sender of such special additional fees as each of the countries of origin mentioned may establish in its own service. Such additional fees accrue in their entirety to the Administration of origin.

1. Las Administraciones de los Estados Unidos de Norte América, comprendido Alaska, Hawai, Puerto Rico, Guam, Samoa e Islas Vírgenes de los Estados Unidos, por una parte, y de la República Argentina, por la otra, convienen realizar el servicio de encomiendas con declaración de valor hasta el límite máximo de 500 francos oro o su equivalencia en moneda del país de origen, previo pago por el remitente de los derechos especiales suplementarios que cada uno de los mencionados países de origen establezca en su propia jurisdicción. Estos derechos suplementarios quedan a beneficio exclusivo de la Administración de origen.

Insurance provisions. provi-

Maximum limit.

Special additional fees.

Parcels containing  
precious metals.

2. Parcels containing precious metals, in any form or state, must be sent insured.

2. Las encomiendas que contengan metales preciosos, en cualquier forma o estado, deberán obligatoriamente ser expedidas con declaración de valor.

Optional insurance.

3. Parcels may be insured for their total value or for only part of their total value, at the option of the sender.

3. El expedidor podrá declarar facultativamente el valor total del contenido de las encomiendas o una parte del mismo solamente.

## ARTICLE II.

## ARTÍCULO II.

### *Responsibility.*

### *Responsabilidad.*

Responsibility.

1. Except in the cases mentioned in the Section following, the Administrations are responsible for the loss of insured parcels and for the loss, abstraction of, or damage to their contents, or a part thereof.

1. Salvo en los casos previstos por la exención de responsabilidad, las Administraciones responden por la pérdida de las encomiendas con declaración de valor o por la pérdida, expoliación o avería del contenido o una parte de él.

This responsibility applies to insured parcels mailed in one of the two contracting countries destined for the other country; that is, cases of reforwarding or return to third countries at the request of the sender or addressee are excluded, unless the country of new destination or that of origin agrees to pay indemnity under the terms provided by the present Agreement, either by virtue of a pre-existent agreement or because it desires to do so at its option.

Esta responsabilidad se entiende para las encomiendas con declaración de valor impuestas en uno de los dos países contratantes con destino al otro país, vale decir, que se excluyen los casos de reexpedición o devolución a países terceros efectuadas a pedido del expedidor o del destinatario, salvo que el país de nueva destinación o el de origen acepte pagar la indemnización en los términos previstos por el presente Convenio, ya sea en virtud de un arreglo preexistente o porque desee hacerlo por propia decisión.

Indemnity.

In cases of loss, rifling, or damage, the sender or other rightful claimant is entitled to an indemnity corresponding to the actual amount of the loss, abstraction, or damage. The appraisal of the amount of loss or damage shall be made by the Administration which is found responsible, on the basis of the current price, (in the absence of current price, the ordinary estimated value) of the lost or damaged article which prevailed in the country of origin on the date of mailing the parcel, provided in any case that the indemnity may not be greater than the amount for which the parcel was insured within the maximum amount of 500 gold francs.

En los casos de pérdida, expoliación o avería el expedidor o persona autorizada tiene derecho a una indemnización que corresponda a la cantidad efectivo de la pérdida, sustracción o avería de los artículos. La apreciación de dicho perjuicio será hecha por la Administración que resulte responsable y en base a los precios corrientes (a falta de precios corrientes, el valor ordinario calculado) de los objetos perjudicados que regían en el país de procedencia en la fecha de la imposición del envío y siempre que la indemnización no exceda de la cantidad en que el paquete fué asegurado dentro del máximo de 500 francos oro.

In case that indemnity must be paid for the loss of a parcel, or for the destruction or rifling of all its contents, the sender will be entitled to reimbursement of the postage charges, if claimed. However, the insurance fees will not be returned in any case.

2. The Administrations cease to be responsible:

(a) In case of parcels of which the addressee has accepted delivery without reservation. In the case of "in care" parcels, responsibility ceases when delivery has been made to the addressee first mentioned and his receipt has been obtained.

(b) In case of loss or damage through force majeure.

(c) When they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

(d) When the damage has been caused by the fault or negligence of the sender or the addressee or the representative of either, or when it is due to the nature of the article.

(e) For parcels which contain prohibited articles.

(f) When the sender has made a false declaration of value for the purpose of obtaining an indemnity higher than the actual amount of the loss, rifling, or damage. This exemption is not intended to prejudice the legal proceedings to be applied by virtue of the domestic legal provisions of the country of origin.

(g) For parcels seized by the Customs because of false declaration of contents.

(h) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the insured parcel.

En caso de que la indemnización tenga que pagarse por la pérdida de un paquete o por la destrucción o el despojo de todo su contenido, el remitente tendrá derecho al reembolso de las tasas postales si lo reclama. Sin embargo, los derechos de seguro no serán reembolsados en ningún caso.

2. Las Administraciones cesarán de ser responsables:

(a) De las encomiendas cuyos destinatarios hayan aceptado el envío sin reservas. En el caso de las encomiendas dirigidas "a cargo", la responsabilidad cesará cuando ellas hayan sido entregadas al destinatario mencionado en primer término y se hubiere obtenido el recibo correspondiente.

(b) En caso de pérdida o deterioro debido a fuerza mayor.

(c) Cuando las Administraciones no puedan dar cuenta de las encomiendas debido a la destrucción de los documentos oficiales por causa de fuerza mayor.

(d) Cuando la avería haya sido causado por la falta o negligencia del remitente, del destinatario o del representante de uno u otro, o cuando se deba a la naturaleza del contenido.

(e) De las encomiendas que contengan los artículos prohibidos.

(f) Cuando el remitente haya incurrido en falsa declaración de valor con el propósito de obtener una indemnización superior al valor real de la pérdida, expoliación o deterioro. Esta exención se entiende sin perjuicio del procedimiento legal a aplicar en virtud de las disposiciones legales internas del país de origen.

(g) De las encomiendas confiscadas por la aduana a causa de declaración fraudulenta del contenido.

(h) Cuando ninguna reclamación o pedido de indemnización haya sido presentado por el interesado o por su representante dentro de un año a contar desde el día siguiente al de la imposición del envío asegurado.

Return of postage on loss of parcel.

Exceptions.

Acceptance without reservation.

"In care" parcels.

Loss, etc., through force majeure.

Destruction of official documents.

Damage through fault of sender, addressee, etc.

Prohibited articles.

False declaration of value.

Seizure because of false declaration.

Application, etc., for indemnity not made within a year.

Matter of no intrinsic value, etc.

(i) For insured parcels which contain matter of no intrinsic value, or perishable matter, or which did not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

(i) De las encomiendas con declaración de valor que contengan artículos de ningún valor intrínseco, o sujetos a descomposición o que no se conformaren a las estipulaciones de este Acuerdo, o que no hubieren sido depositadas en la forma prescrita; pero el país responsable de la pérdida, despojo o avería, puede pagar indemnización por dichas encomiendas, sin necesidad de recurso a la otra Administración.

Indirect damages, etc.

3. No indemnity is paid for indirect damages or loss of profits resulting from the loss, rifling, damage, nondelivery, misdelivery, or delay of insured parcels dispatched in accordance with the conditions of this Agreement.

3. No se pagará ninguna indemnización por los perjuicios indirectos, ni por los beneficios no realizados que resulten de la pérdida, expoliación, de la avería, de la falta de entrega, de la entrega errónea, o de la demora de una encomienda con declaración de valor expedida de acuerdo con las estipulaciones de este Acuerdo.

Period for payment of compensation.

4. The payment of compensation for an insured parcel shall be made to the rightful claimant as soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

4. El pago de la indemnización por una encomienda con declaración de valor será efectuado al reclamante legítimo en el más breve plazo posible, y a más tardar dentro del período de un año a contarse desde la fecha en la cual se hubiere presentado la reclamación.

Deferment of payment.

However, the paying Postal Administration may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

Sin embargo, la Administración pagadora puede aplazar excepcionalmente el pago de la indemnización por un período más largo que el estipulado si, a la expiración del mismo, no le ha sido posible determinar la responsabilidad emergente o el curso dado al envío.

Payment when application for indemnity delayed nine months.

5. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes the payment of compensation is authorized to pay indemnity on behalf of the Administration which, being duly informed of the application for indemnity, has let nine months pass without settling the matter.

5. Salvo los casos en donde se ha aplazado el pago según las disposiciones del segundo párrafo del inciso precedente, la Administración postal que asume el pago de la compensación esta autorizada para indemnizar al remitente por cuenta de la Administración que, habiendo sido debidamente notificada haya dejado transcurrir nueve meses sin solucionar el asunto.

Obligation of paying indemnity.

6. The obligation of paying the indemnity rests with the Administration to which the office of origin belongs, unless the sender has authorized the addressee or other person living in the country

6. La obligación de pagar la indemnización incumbe a la Administración de que dependa la oficina de origen, salvo que el expedidor hubiese autorizado al destinatario u otro persona resi-

of destination, to collect the said indemnity, in which case it will be credited by the Administration of destination to the account of the Administration responsible, against which the paying Administration reserves the right of claiming refund of the amount credited.

By the fact of the payment of the indemnity, and up to the amount of such indemnity, the responsible Administration is subrogated in the rights of the person who has received the indemnity for all eventual recourse against either the addressee, the sender, or third parties.

7. Until the contrary is proved, responsibility for an insured parcel rests with the Administration which, having received the parcel without making any reservations, and being put into possession of all the regulation means of investigation, cannot establish:

(a) Proper delivery of the parcel.

(b) Regular disposal of the same in accordance with the stipulations of this Agreement.

(c) Treatment as prescribed by the domestic legislation if it is a question of a parcel which is in violation of the regulations.

8. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and has been regularly pointed out to the dispatching exchange office, the responsibility falls upon the Administration to which the latter office belongs, unless it be proved that the irregularity occurred on the territory of the receiving Administration.

9. If the loss, rifling, or damage has taken place in the course of transportation, without its being possible to establish on the territory or in the service of which country the act took place, the Administrations involved bear the responsibility in equal shares.

10. The country responsible for the loss, rifling, or damage and on

dente en el país de destino, a cobrar dicha indemnización, en cuyo caso ésta será abonada por la Administración de destino, por cuenta de la que resulte responsable, contra la cual la pagadora se reserva el derecho de reclamar el reintegro de la suma abonada.

Por el hecho de pagar la indemnización y hasta el límite del importe de esa indemnización, la Administración responsable queda subrogada en los derechos de la persona que la haya recibido para todo recurso eventual, ya contra al destinatario, remitente o un tercero.

7. Salvo prueba en contrario, la responsabilidad por la pérdida de una encomienda con declaración de valor incumbe a la Administración que, habiendo recibido la pieza sin hacer observación y teniendo a su disposición todos los medios reglamentarios de investigación, no pueda probar:

(a) La correcta entrega del envío.

(b) El curso reglamentario del mismo de acuerdo a lo estipulado en el presente Convenio.

(c) El tratamiento prescripto por la legislación interna si se tratara de una encomienda caída en infracción.

8. Cuando la pérdida, el despojo o la avería de una encomienda con declaración de valor se compruebe en el momento de recibirse el despacho en la Oficina de Cambio receptora y esa circunstancia haya sido señalado en la forma reglamentaria a la Oficina de Cambio remitente, la responsabilidad incumbe a la Administración de que dependa dicha oficina, a no ser que se compruebe que la irregularidad ha ocurrido en el territorio de la Administración receptora.

9. Si la pérdida, el despojo o la avería ha tenido lugar durante el transporte, sin que sea posible comprobar en que territorio o servicio ha ocurrido el hecho, las Administraciones interesadas soportarán la responsabilidad por partes iguales.

10. El país responsable de la pérdida, el despojo o la avería, y

Fixing of responsibility.

Reimbursement to country effecting payment.

whose account the payment is effected, is bound to repay the amount of the indemnity to the country which has effected the payment. This reimbursement must take place without delay, and at the latest within the period of nine months after notification of payment.

11. These repayments to the creditor country must be made without expense for that Administration, by money order or draft, in money valid in the creditor country, or in any other way to be agreed upon mutually by correspondence.

12. The reimbursement of the indemnities must be effected on the basis of gold money.

Defects in packing,  
etc.

13. The sender is responsible for defects in the packing and insufficiency in the closing and the seals of insured parcels. Moreover, the two Administrations are released from all responsibility in case of loss, rifling, or damage caused by defects not noticed at the time of mailing.

por cuya cuenta se efectúe el pago, está obligado a reembolsar el importe de la indemnización al país que haya efectuado el pago. Este reembolso será efectuado lo más pronto posible y a más tardar dentro del período de nueve meses después de la notificación del pago.

11. Ese reembolso al país acreedor será efectuado sin gastos para dicha Administración, por medio de giro postal o letra de cambio por un valor en moneda válida en el país acreedor o de cualquier otro modo que se haya convenido mutuamente por correspondencia.

12. El reembolso de las indemnizaciones debe efectuarse sobre la base de la moneda oro.

13. El remitente es responsable de los defectos en el embalaje y de la insuficiencia del cierre y de los sellos de las encomiendas con declaración de valor. Además, las dos Administraciones se exceptúan de toda responsabilidad en caso de pérdida, despojo o avería que sea causado por defectos que no se notan al momento del depósito.

### ARTICLE III.

### ARTÍCULO III.

#### *Preparation of parcels.*

#### *Acondicionamiento de los envíos.*

Preparation of parcels.

1. It is obligatory to indicate in ink and with all exactitude, on the parcel itself, the complete address of the sender as well as that of the addressee of an insured parcel. When, for practical reasons, it is impossible to comply with the requirement for placing the address on the parcel itself, and the latter bears a label or tag showing the address, it will be obligatory to inclose in the parcel a copy of the complete address of the addressee with mention of the address of the sender.

Initials will not be accepted as an address.

Parcels addressed "in care" shall indicate with all clarity and as completely as possible the address of the second addressee.

1. Es obligatorio anotar a tinta y con toda exactitud sobre el mismo envío, la dirección completa del remitente y del destinatario de las encomiendas con declaración de valor. Cuando por razones de orden práctico no sea posible cumplir el requisito de la anotación sobre el mismo envío y éste vaya munido de una etiqueta o carátula que ostente la dirección, será obligatorio incluir, dentro del envío, una copia de las señas completas del destinatario con una mención de la dirección del remitente.

No se aceptarán las iniciales como señas de dirección.

Las encomiendas dirigidas "a cargo", deberán indicar con toda claridad y lo más completamente posible las señas del segundo destinatario.

2. Insured parcels must be prepared in such a manner as to withstand the contingencies of transportation.

The amount of the insured value shall be entered on the parcel itself in money of the country of origin. The conversion into gold francs shall be effected by the office of origin and entered below the previous entry. This latter indication shall be reproduced on the dispatch note.

The fastening of insured parcels must be sealed with wax or lead. In case such a parcel is officially opened, the post office which has effected such opening must close the parcel again and officially seal it.

Insured parcels must be provided with a special label designating them as such, which label shall be applied to the front of the parcel; but it shall not be affixed in such a way as to hide defects in the packing, nor be folded over the corners or edges of the parcel. A similar indication, either in handwriting or by means of a label, shall be applied to the dispatch note.

#### ARTICLE IV.

##### *Exchange of dispatches.*

Insured parcels shall be inclosed in separate sacks from those in which ordinary parcels are contained and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

#### ARTICLE V.

##### *Billing of parcels.*

1. Insured parcels shall be entered on separate parcel bills and shall be listed individually. The following information relative to

2. Es obligatorio acondicionar las encomiendas con declaración de valor de modo que resistan las contingencias del transporte.

El monto de la declaración de valor deberá inscribirse sobre el mismo paquete en moneda del país de origen. La conversión a francos oro será hecha por la oficina remitente e indicada debajo de la anotación anterior. Esta última indicación será reproducida sobre el boletín de expedición.

Es obligatorio asegurar con lacre o plomo los cierres de las encomiendas con declaración de valor. En caso de procederse a la apertura de oficio de una encomienda de esta naturaleza, la oficina de correos que la haya operado, deberá volver a cerrar el envío asegurándolo con un sello oficial.

Es obligatorio revestir las encomiendas con declaración de valor con una etiqueta especial que caracterice su categoría, la que deberá aplicarse sobre la parte anterior del envío y no de manera que sirva para ocultar desperfectos en el embalaje, ni volcadas sobre las aristas o bordes de la encomienda. Una indicación análoga, ya sea manuscrita o mediante una etiqueta, será aplicada sobre el boletín de expedición.

Labeling, etc.

#### ARTÍCULO IV.

##### *Intercambio de despachos.*

Las encomiendas con declaración de valor deberán incluirse en sacos separados de aquellos en que se incluyen las ordinarias. Las etiquetas correspondientes a sacos que contengan paquetes postales asegurados deberán marcarse con signos distintivos y de conformidad con lo que se resolviera oportunamente.

Exchange of dispatches.

#### ARTÍCULO V.

##### *Inscripción en las hojas de ruta.*

1. Las encomiendas con declaración de valor deberán anotarse individualmente en hojas de ruta especiales. Los siguientes

Billing of parcels.

each insured parcel shall be entered on the parcel bill: Insurance number of the parcel, office of origin, amount of insured value in gold francs, and exact weight of the parcel in pounds and ounces or in kilograms and grams. In addition, there shall be shown the total amount, credit or debit, as the case may be, which is due on each dispatch as well as an indication of the numbers of the sacks in which insured parcels are contained.

Returned parcels.

2. In so far as concerns returned parcels, this fact will be stated.

Numbering of parcel bills.

3. Each dispatching office of exchange shall number the parcel bills in the upper left-hand corner, commencing each year a fresh series for each office of exchange of destination. The last number of the year shall be shown on the parcel bill of the first dispatch of the following year.

datos relativos a cada paquete asegurado han de anotarse en la hoja de ruta: Número de registro del paquete asegurado, oficina de origen, monto en francos oro de la declaración de valor y peso exacto en libras y onzas o en kilos y gramos. Además, el monto total, bonificación o débito según corresponda, relativo a cada despacho, así como una indicación del número del saco o envase en que ván incluidos los paquetes asegurados, ha de anotarse en la hoja de ruta.

2. En lo que atañe a los paquetes devueltos se hará constar esta circunstancia.

3. Cada Oficina de Cambio numerará correlativamente las hojas de ruta anotando el número correspondiente en el ángulo superior izquierdo, iniciando cada año una serie por cada Oficina de Cambio destinataria. El último número de la serie anual será indicado en la hoja de ruta del primer despacho que se hiciera en el año subsiguiente.

#### ARTICLE VI.

#### ARTÍCULO VI.

*Verification of dispatches by the receiving office.*

*Verificación de despachos en la oficina receptora.*

Verification of dispatches by receiving office.

1. On receipt of a dispatch of insured parcels, the exchange office of destination proceeds to verify it, checking the exactness of the entries made on the parcel bills. If any error or omission is noted, it will be communicated immediately to the dispatching office by means of a bulletin of verification.

2. The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. The returned bulletins are attached to the parcel bills to which they refer. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

1. Al recibir un despacho de encomiendas aseguradas, la Oficina de Cambio destinataria procederá a verificarlo, comprobando la exactitud de las inscripciones hechas en las hojas de ruta. Si se notara error u omisión se comunicará inmediatamente a la oficina expedidora por medio de un boletín de verificación.

2. La Oficina de Cambio expedidora a la cual se envíe un boletín de verificación, lo devolverá a la brevedad posible, después de haberlo examinado, dejando constancia en el mismo de sus observaciones si hubiere lugar a ello. Los boletines devueltos serán agregados a las hojas de ruta a que se refieran. Las correcciones efectuadas en una hoja de ruta y que no esten apoyadas por documentos probatorios serán consideradas nulas.



3. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

4. The exchange office which receives a damaged parcel with a noticeable difference in weight, giving rise to the supposition that the parcel has been rifled, proceeds to verify its contents, the respective evidence from which operation is entered in a report drawn up for this purpose, in which report will be stated, in addition to the exterior state and exact contents of the insured parcel, the weight before and after opening, it being repacked officially with an attempt to preserve the original packing as far as possible. Likewise the weight before and after repacking will be shown on the cover of the article. A copy of the report, duly certified, will be sent jointly with the bulletin of verification to the dispatching exchange office.

When total or partial shortage or substitution of the contents is proved or is surmised on good evidence, the said documents will be accompanied by the following constituents of evidence: Sack, address label, and fastenings, and the wrapper of the parcel.

If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the Office sending such telegram.

5. When the exchange office of destination has not sent to the dispatching exchange office by the first mail after the verification, a bulletin in which the errors or irregularities are stated, it will be considered until proved to the contrary that the dispatch has been received in correct order.

6. When the addressee (or, in case of return, the sender) makes reservations upon taking possession of the parcel, a report of verification shall be made up immediately in the presence of the interested party by the office

3. Si se comprobara la falta de una hoja de ruta, se confeccionará de oficio por duplicado, un ejemplar de la cual se enviará a la Oficina de Cambio de que proceda el despacho.

4. La Oficina de Cambio que reciba una encomienda averiada con una notable diferencia de peso que dé lugar a suponer que el envío ha sido expoliado, procederá a la verificación de su contenido, de cuya operación dejará las constancias respectivas en acta levantada a tal efecto, en la cual se expresará además del estado exterior y contenido exacto de la encomienda asegurada, el peso anterior y posterior a su apertura, reembalándosela de oficio y procurando conservar en lo posible el embalaje original, igualmente se dejará constancia del peso anterior y posterior en la cubierta del envío. Una copia del acta debidamente legalizada será enviada conjuntamente con el boletín de verificación a la Oficina de Cambio expedidora.

Cuando se compruebe o se presuma fundadamente falta parcial o total, o sustitución de contenido, se acompañará con dichos documentos los siguientes elementos de prueba: Saco, carátula y cierres, y cubierta de la encomienda.

Si fuera necesario, la Oficina de Cambio expedidora será avisada telegráficamente, a espensas de la oficina que despacha el telegrama.

5. Cuando la Oficina de Cambio destinataria no haya enviado a la de Cambio remitente por primer correo después de la verificación, un boletín en el que se haga constar errores o irregularidades, se considerará, hasta probarse lo contrario, que el despacho ha sido recibido de conformidad.

6. Cuando el destinatario o en caso de devolución el remitente, formule reservas al tomar posesión de la encomienda, se levantará un acta de verificación inmediatamente y en presencia del interesado, por la oficina que entregue la

delivering the parcel. This report, made up in duplicate, and confirmed, if possible, by the signature of the interested party, must indicate:

(a) The external condition of the parcel.

(b) The gross weight.

(c) The exact inventory of the contents.

One of the copies of the report shall be delivered to the interested party; the other shall be attached to the complaint form.

7. The documents relative to dispatches and articles which have given rise to application of the provisions of this Article will be kept.

pieza. Esta acta confeccionada por duplicado y ratificada en la medida de lo posible con la firma del interesado deberá indicar:

(a) El estado exterior de la encomienda.

(b) El peso bruto.

(c) El inventario exacto del contenido.

Una de las copias del acta se entregará al interesado y la otra se anexará a la fórmula de reclamación.

7. La documentación referente a despachos y piezas que hayan dado lugar a la aplicación de las disposiciones de este artículo será conservada.

#### ARTICLE VII.

##### *Change of address.*

Change of address.

The sender of every insured parcel shall make officially, to the Administration of origin, any requests for change of address which he desires to make of the Administration of destination, without which requirement the latter may not effect changes of address. In all cases, it shall proceed to detain the parcel involved, making appropriate inquiry of the Administration of origin.

#### ARTÍCULO VII.

##### *Modificación de dirección.*

El remitente de toda encomienda con declaración de valor deberá oficializar ante la Administración de origen los pedidos de cambios de direcciones que desee formular a la Administración de destino, sin cuyo requisito esta última no podrá realizar cambios de dirección. En todo caso, procederá a la retención del respectivo envío, dirigiendo la consulta pertinente a la Administración de origen.

#### ARTICLE VIII.

##### *Redirection and nondelivery.*

Redirection and nondelivery; additional charges.

1. An insured parcel redirected within the country of destination or delivered to an alternate addressee at the original office of address shall be liable the same as ordinary parcels, to such additional charges as may be prescribed by the Administration of that country.

Manner of reforwarding.

2. The redirection or the return to origin of an insured parcel shall be effected by insured mail, with the same insured value as originally indicated; and the reforwarding Administration will enter to its credit in the parcel bill the postal and non-postal fees, including those for insurance, as in the

#### ARTÍCULO VIII.

##### *Redirección y falta de entrega.*

1. Una encomienda con declaración de valor que experimentara cambio en su dirección dentro del país de destino, o que fuere entregado a algún destinatario suplente en la primitiva oficina de destino, quedará sometida como los envíos ordinarios, al pago de los derechos adicionales, según lo prescripto por cada Administración.

2. La redirección o la devolución a origen de una encomienda con declaración de valor, deberá realizarse en el mismo carácter y con el monto de declaración indicado primitivamente y la Administración reexpedidora cargará a su beneficio en la hoja de ruta los derechos postales y no postales,

case of a new dispatch. The Administration which effected delivery of the returned or reforwarded parcel, will collect from the sender or, as the case may be, from the addressee, the whole of the fees that are applicable.

3. If, because of the requirements of the legislation of the country of destination, an insured parcel cannot be either delivered, forwarded, or returned to the country of origin, the Administration of the country of destination must advise the Administration of the country of origin as soon as possible of the disposal made of the parcel in question.

4. Insured parcels may be reforwarded by the sender or addressee to a third country, insured or at the risk of the party concerned if the third country is not liable for payment, provided that this desire is expressed by letter or by being entered on the parcels and dispatch notes or customs declarations; therefore, it is understood that in case of loss, rifling, or damage of a parcel reforwarded or returned under these conditions, the sender has a right only to an indemnity equal to that for an ordinary parcel of the same weight, unless the Administration of new destination accepts its responsibility by virtue of the provisions contained in Article II, Section 1, second paragraph of the present Agreement.

5. It is understood that an insured parcel may be abandoned in the event of nondelivery only when the sender has expressly so requested on the wrapper of the parcel and on the accompanying documents. In all other cases such parcels must invariably be returned to the country of origin, and the Administration of that country will be responsible to that of destination for the postal and non-postal charges arising from such return.

incluso los de seguro, como si se tratara de una nueva expedición. La Administración que haga efectiva la entrega de la encomienda devuelta o reexpedida, cobrará del remitente o eventualmente del destinatario, la totalidad de los derechos que correspondan.

3. Si por imperio de las disposiciones del país de destino una encomienda con declaración de valor no pudiera ser entregada, ni reexpedida, ni devuelta al país de origen, la Administración del país de destino tendrá la obligación de informar a la Administración del país de origen en el más breve plazo posible acerca del curso dado a la encomienda en cuestión.

4. Las encomiendas con declaración de valor podrán ser reexpedidas al remitente, o destinatario a un tercer país, aseguradas o a riesgo del interesado si el tercer país no se comprometiére al pago, siempre que se exprese ese deseo por escrito o anotándolo sobre las encomiendas y boletines de expedición o declaraciones de aduana; en consecuencia, queda entendido que en caso de pérdida, expoliación o avería de una encomienda reexpedida o devuelta en estas condiciones, el expedidor sólo tendrá derecho a una indemnización equivalente a la de una encomienda ordinaria del mismo peso, salvo que la Administración del nuevo destino acepte su responsabilidad en virtud de la previsión contenida en el Artículo II, inciso 1, párrafo 2º del presente Convenio.

5. Queda entendido que el abandono por falta de entrega de una encomienda con declaración de valor, solo podrá tener lugar cuando el remitente lo haya solicitado así expresamente, sobre la cubierta del envío y documentos anexos. En todo otro caso, estas encomiendas serán indefectiblemente devueltas al país de origen y la Administración remitente será responsable ante la de destino por los cargos postales y no postales emergentes de dicha devolución.

When legislation prevents delivery, etc.; notice to country of origin.

Reforwarding to a third country.

Abandonment of parcels, etc.

## ARTICLE IX.

## ARTÍCULO IX.

*Missent parcels.**Encomiendas mal dirigidas.*

Missent parcels.

Missent parcels will be returned to the country of origin by the first mail.

Las encomiendas mal dirigidas serán devueltas al país de origen por primer correo.

## ARTICLE X.

## ARTÍCULO X.

*Matters not provided for in this Agreement.*

*Asuntos no previstos en el Acuerdo.*

Application of other provisions to matters not covered hereby.

1. All matters relative to the execution of this service, not provided for in the present Agreement shall be governed by the provisions of the Agreement Relative to Parcel Post of the Postal Union of the Americas and Spain or the Universal Postal Union Convention and the Detailed Regulations for its Execution, respectively, in so far as they are not inconsistent with the provisions of this Agreement; and then, if no other arrangement has been made, the internal legislation, regulations, and rulings of the United States of America and of the Republic of Argentina, according to the country involved, shall govern.

1. Todos los asuntos relativos a la ejecución de este servicio, no previstos en el presente Acuerdo, serán regidos por las estipulaciones del Acuerdo Relativo a Encomiendas Postales de la Unión Postal de las Américas y España o de la Convención Postal Universal y de su Reglamento de Ejecución, respectivamente, hasta donde no sean incompatibles con las estipulaciones de este Acuerdo, y luego también para el caso de que no exista otro arreglo, regirá la legislación interna, reglamentos y disposiciones dictados por los Estados Unidos o la República Argentina, en conformidad con el país interesado.

Changes, modifications, etc., authorized.

2. The Postmaster General of the United States of America and the Director General of Posts and Telegraphs of the Republic of Argentina shall have authority to make from time to time by correspondence such changes and modifications and further regulations of order and detail as may become necessary to facilitate the operation of the services contemplated by this Agreement as well as to provide arrangements for the exchange of parcels subject to collect-on-delivery charges should both countries at any time desire such service.

2. El Director General de Correos de los Estados Unidos de Norte América y el Director General de Correos y Telégrafos de la República Argentina, quedan autorizados para efectuar por correspondencia y de común acuerdo, cada vez que les pareciere oportuno, cambios, modificaciones y otras regulaciones de orden o de detalle que estimaren necesario para facilitar la operación del servicio que motiva el presente Acuerdo, como también dictar las medidas conducentes a un Acuerdo de intercambio de envíos sujetos a las condiciones de contra-reembolso, si eventualmente, ambos países desearan establecer ese servicio.

Mutual notice of laws, etc.

3. The Administrations shall communicate to each other from time to time the provisions of their laws or regulations applicable to the conveyance of parcels by insured mail.

3. Las Administraciones se comunicarán entre sí cada vez que lo juzgaren oportuno, las nuevas disposiciones de sus Leyes y Reglamentos aplicables a la conducción por correo, de encomiendas con declaración de valor.

50 Stat. 1696.  
49 Stat. 2741, 2802.

## ARTICLE XI.

*Duration of Agreement.*

1. The present Agreement will take effect October 1, 1938, and will remain in full force until one of the contracting Administrations has given notice to the other, six months in advance, of its intention to terminate it.

2. Either Administration may temporarily suspend the insurance services, in whole or in part, when there are special reasons for doing so, or restrict them to certain offices; but on the condition that previous and opportune notice of such a measure is given to the other Administration.

3. Done in duplicate and signed at Washington, the 8th day of April 1939 and at Buenos Aires, the 28th day of February 1939.

[SEAL] AMBROSE O'CONNELL  
*Acting Postmaster General of the United States of America.*

The foregoing Agreement between the United States of America and the Republic of Argentina for the exchange of parcels by parcel post has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

By the President.

CORDELL HULL

*Secretary of State.*

WASHINGTON, April 17, 1939.

## ARTÍCULO XI.

*Duración del Acuerdo.*

1. El presente Acuerdo surtirá efectos desde el 1° de octubre de 1938 y permanecerá en pleno vigor hasta que una de las Administraciones contratantes participe a la otra, con seis meses de anticipación, su resolución de dejarlo sin efecto.

2. Cualquiera de las dos Administraciones puede suspender temporalmente los servicios de seguro de una manera general o parcial, siempre que mediaren razones para ello, o restringirlo tan solo a ciertas oficinas; para lo cual se enviarán las notificaciones previas y oportunas dando cuenta de haberse adoptado esa medida a la otra Administración.

3. Hecho por duplicado y firmado en Washington, el día 8 de abril de 1939 y en Buenos Aires, el día 28 de febrero 1939.

[SEAL] A C ESCOBAR  
*Director General de Correos y Telégrafos de la República de Argentina.*

Effective date and duration.

Temporary suspension of insurance services.

Signatures.

Approval by the President.

FRANKLIN D ROOSEVELT

May 6, 1936

[E. A. S. No. 146]

*Agreement and protocol of signature between the United States of America and France respecting reciprocal trade. Signed at Washington May 6, 1936; proclaimed by the President of the United States May 16, 1936; effective provisionally June 15, 1936. And related notes.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Reciprocal trade  
agreement with  
France.

48 Stat. 943; 50 Stat.

24.  
19 U. S. C. § 1351;  
Supp. IV, §§ 1351, 1352  
(c).

Statutory provi-  
sions.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), as follows:

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign

countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the French Republic are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, will be promoted by a foreign trade agreement between the United States of America and the French Republic;

Promotion of foreign trade.

48 Stat. 943; 50 Stat. 24.  
19 U. S. C. § 1351; Supp. I V, §§ 1351, 1352 (c).

Notice given.

WHEREAS reasonable public notice of the intention to negotiate such foreign trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a foreign Trade Agreement on May 6, 1936, through my duly empowered Plenipotentiary, with the Government of the French Republic, through the Plenipotentiary duly empowered by the President of the Republic, which Agreement, including four Schedules, with notes, and a Protocol annexed thereto, and made integral parts thereof, in the English and French languages, is in word and figures as follows:

Trade agreement entered into.

Post, pp. 2258, 2291, 2284.

The President of the United States of America and the Government of the French Republic, being equally desirous of contributing to the establishment of a more liberal economic policy between the nations by the relaxation of restrictions on trade, taking into account the fact that there is no restriction either in the United States of America or in France upon the settlement of commercial obligations nor upon the circulation of capital and that there is stability in fact in the relation between their respective currencies, have decided to conclude

Le Président des Etats-Unis d'Amérique et le Gouvernement de la République française, également désireux de contribuer à l'établissement d'une politique économique plus libérale entre les Nations par la suppression des entraves au commerce des marchandises, tenant compte du fait qu'aucune restriction n'est apportée aux Etats-Unis d'Amérique ni en France au règlement des créances commerciales ni à la circulation des capitaux, et qu'il existe une stabilité de fait du rapport entre leurs monnaies respectives, ont décidé de conclure un accord pour améliorer leurs re-

Purposes declared.

an agreement for the betterment of their commercial relations and for that purpose have appointed their Plenipotentiaries as follows:

Plenipotentiaries.

The President of the United States of America:

Cordell Hull, Secretary of State of the United States of America, and

The President of the French Republic:

André Lefebvre de la Boulaye, Ambassador Extraordinary and Plenipotentiary of the French Republic to the United States of America

who, after communicating to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

lations commerciales et ont nommé à cette fin leurs plénipotentiaires, savoir:

Le Président des Etats-Unis d'Amérique:

Cordell Hull, Secrétaire d'Etat des Etats-Unis d'Amérique, et

Le Président de la République française:

André Lefebvre de la Boulaye, Ambassadeur Extraordinaire et Plénipotentiaire de la République française aux Etats-Unis d'Amérique

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

#### ARTICLE I

#### ARTICLE I

Imports from United States, application of lowest ordinary customs duties; exception.

1. Natural or manufactured products originating in and coming from the United States of America or any of its territories or possessions, with the exception of those products which are enumerated and described in Section A of Schedule I annexed to this Agreement, shall be subject, on their importation into the territory of the French Republic, to the lowest ordinary customs duties applicable to like products imported from any other foreign country.

Post, p. 2258.

The products enumerated and described in Section B of Schedule I shall be subject to the lowest ordinary customs duties applicable to like products imported from any other foreign country, within the limitation of the annual quotas specified in the said Section.

Post, p. 2260.

Benefit of intermediate duties for products designated.

2. The benefit of the intermediate duties in force in the territory of the French Republic on the day

1. Les produits naturels ou fabriqués originaires et en provenance des Etats-Unis d'Amérique ou de l'un quelconque de leurs territoires ou possessions, à l'exception des produits énumérés et décrits à la liste I, partie A, annexée au présent accord, bénéficieront, à leur importation sur le territoire de la République française, des droits de douane ordinaires les plus réduits applicables aux produits similaires importés de tout autre pays étranger.

Les produits énumérés et décrits à la liste I, partie B, seront soumis aux droits de douane ordinaires les plus réduits, applicables aux produits similaires importés de tout autre pays étranger, dans la limite des contingents annuels mentionnés à la partie B de la liste I.

2. Le bénéfice des droits intermédiaires en vigueur sur le territoire de la République française



of the application of this Agreement shall be maintained for the products originating in and coming from the United States of America, enumerated and described in Section A of Schedule I: provided, however, that the minimum rate of duty shall automatically apply to any of the said products if the minimum rate applicable to the like product of any foreign origin shall at any time be equal to or exceed the intermediate rate in force on the day of the application of this Agreement. The foregoing provision shall not be an obstacle to the modification of the tariff nomenclature. The provisions of this paragraph shall be applied to products originating in and coming from any of the territories or possessions of the United States of America.

3. With respect to all duties or taxes other than ordinary customs duties collected on importation, most-favored-nation treatment shall be accorded to all products of the United States of America or any of its territories or possessions imported into the territory of the French Republic.

With respect to the method of levying all duties or charges as well as with respect to all rules and formalities in connection with importation or exportation, to duties or charges imposed on exportation, to transit, warehousing, the transshipment of goods, as well as for official charges applicable to these various operations, most-favored-nation treatment shall likewise be accorded.

au jour de la mise en application du présent accord, sera maintenu aux produits originaires et en provenance des Etats-Unis d'Amérique énumérés et décrits à la liste I, partie A, sous réserve toutefois que les droits du tarif minimum s'appliqueront de plein droit à l'un quelconque desdits produits, au cas où, à un moment quelconque, le droit applicable en tarif minimum aux produits correspondants originaires de tout autre pays étranger serait porté à un taux égal ou supérieur à celui du droit intermédiaire en vigueur au jour de la mise en application du présent accord. La présente disposition ne met pas obstacle à la modification de la nomenclature tarifaire. Les dispositions du présent paragraphe seront appliquées aux produits originaires et en provenance de l'un quelconque des territoires ou possessions des Etats-Unis d'Amérique.

3. En ce qui concerne tous droits ou taxes, autres que les droits de douane ordinaires, perçus à l'occasion de l'importation, le traitement de la nation la plus favorisée sera accordé à tous les produits des Etats-Unis d'Amérique ou de l'un quelconque de leurs territoires ou possessions importés sur le territoire de la République française.

Le traitement de la nation la plus favorisée sera également accordé en ce qui concerne les droits ou taxes à l'exportation, le mode de perception des droits ou taxes, ainsi qu'en ce qui concerne tous règlements et formalités relatifs à l'importation ou à l'exportation, au transit, à l'entreposage, au transbordement des marchandises, ainsi que pour les perceptions réglementaires afférentes à ces diverses opérations.

*Post*, p. 2238.

*Proviso.*  
Application of minimum rate of duty.

*Most-favored-nation treatment provisions.*

*Method of levying duties, etc.*

Enumerated im-  
ports from United  
States, benefit of spec-  
ified tariff rates.

*Post*, p. 2280.

Advance notice of  
proposed new duties,  
etc.

*Post*, pp. 2262, 2264

Action upon disa-  
greement.

4. Dating from the application of this Agreement, products originating in and coming from the United States of America, enumerated and described in Section A of Schedule II, annexed to this Agreement, shall benefit on their importation into the territory of the French Republic, subject to the provisions of the following paragraph, from the specified tariff rates provided for in this Agreement.

5. If, with a view to protecting the essential economic and financial interests of the country, it should be considered necessary to increase the ordinary customs duties provided for in paragraph 4 of this Article or those applicable in the territory of the French Republic on the day of the signature or application of this Agreement to any of the products enumerated and described in Section B of Schedule II and in Schedule III, annexed hereto, the French Government shall notify the Government of the United States of America in writing at least 15 days before putting into force any new duties of its intention to increase the ordinary customs duties affecting any of the said products. No such increase shall, however, be made effective prior to the expiration of the first full calendar quarter after the application of this Agreement. Thereafter, and as long as this Agreement shall remain in force, no such increase shall be made except on the first day of a full calendar quarter. If, before the expiration of 30 days from the date on which such increase becomes effective, a satisfactory agreement has not been reached with respect to such compensatory modifications of this Agreement as may be deemed ap-

4. A dater de la mise en application du présent accord, les produits originaires et en provenance des Etats-Unis d'Amérique, énumérés et décrits à la liste II, partie A, annexée au présent accord, bénéficieront, à leur importation sur le territoire de la République française, sous réserve des dispositions du paragraphe suivant, des droits du tarif minimum tels qu'ils ressortent du présent accord.

5. S'il était jugé nécessaire, en vue de protéger les intérêts économiques et financiers essentiels du pays, d'augmenter les droits de douane ordinaires prévus par le paragraphe 4 du présent article ou applicables sur le territoire de la République française au jour de la signature ou de la mise en application du présent accord, pour l'un quelconque des produits énumérés et décrits aux listes II (partie B) et III ci-annexées, le Gouvernement français notifierait par écrit au Gouvernement des Etats-Unis d'Amérique, 15 jours au moins avant la mise en vigueur de nouveaux droits, son intention de majorer les droits de douane ordinaires afférents à l'un ou l'autre desdits produits. Aucune majoration de ce genre ne pourra toutefois intervenir avant l'expiration du premier trimestre plein qui suivra la mise en application du présent accord. Par la suite, et tant que le présent accord demeurera en vigueur, ces majorations tarifaires ne pourront être effectuées que le premier jour d'un trimestre plein. Si, dans un délai de 30 jours à dater de l'entrée en vigueur desdites majorations tarifaires, il n'est pas intervenu un accord satisfaisant au sujet des modifications du présent accord qui pourront être jugées appro-

propriate, the said Agreement shall terminate automatically in its entirety on the 30th day after the end of such period.

6. With respect to products enumerated and described in Schedules II and III, annexed hereto, no new or increased duties, fees or charges of any kind (other than ordinary customs duties) shall be imposed by the French Government on or in connection with importation which would have the effect of diminishing appreciably the value of any concession granted in this Agreement, unless such measures are required to be imposed by French legislation in force on the day of the signature of this Agreement.

prises à titre de compensation, ledit accord prendra fin de plein droit, en totalité, le 30ème jour à partir de l'expiration de ce délai.

6. A moins que ces mesures soient prescrites par la législation française en vigueur à la date de la signature du présent accord, il ne pourra être procédé par le Gouvernement français, en ce qui concerne les produits énumérés et décrits aux listes II et III ci-annexées, à des créations ou à des majorations de droits, taxes ou charges quelconques (autres que les droits de douane ordinaires) perçus à l'importation ou à l'occasion de l'importation, qui seraient de nature à diminuer d'une manière sensible l'importance des avantages résultant des dispositions du présent accord.

Enumerated products, restriction on increase in duties in certain cases; exception.  
Post, pp. 2260, 2264.

## ARTICLE II

1. Natural or manufactured products originating in the territory of the French Republic or any of its territories or possessions shall not be subject, on their importation into the United States of America, to duties or charges other or higher than those applied to like products originating in any other foreign country.

2. It is understood that, so long as and insofar as the law of the United States of America may otherwise require, the provisions of paragraph 1 of this Article, insofar as they would otherwise relate to duties, taxes or charges on coal, coke manufactured therefrom, or coal or coke briquettes, shall not apply to such products imported into the United States of America.

3. With respect to the method of levying all duties or charges,

## ARTICLE II

1. Les produits naturels ou fabriqués, originaires du territoire de la République française ou de l'une quelconque de ses colonies ou possessions, ne seront pas soumis, à leur importation aux Etats-Unis d'Amérique, à des droits ou taxes autres ou plus élevées que ceux appliqués aux produits similaires, originaires de tout autre pays étranger.

2. Il est entendu qu'aussi longtemps et dans la mesure où la législation des Etats-Unis d'Amérique s'y opposera, les dispositions du paragraphe 1 du présent article, dans la mesure où elles se rapporteraient, par ailleurs, aux droits, taxes ou impositions, sur les charbons, le coke de charbon, les briquettes de charbon ou de coke, ne s'appliqueront pas à ces produits à leur importation aux Etats-Unis d'Amérique.

3. En ce qui concerne le mode de perception des droits ou taxes

Imports from France, duties and charges applicable.

Coal, coke, etc.

Method of levying duties, etc.

with respect to all rules or formalities in connection with importation or exportation, with respect to duties or charges imposed on exportation, with respect to transit, warehousing, and the transshipment of goods as well as the governmental charges applicable to these various operations, all products originating in or destined for the territory of the French Republic or any of its colonies or possessions shall enjoy unconditional most-favored-nation treatment.

ainsi qu'en ce qui concerne tous règlements ou formalités relatifs à l'importation ou à l'exportation, les droits ou taxes perçus lors de l'exportation, du transit, de l'entreposage, du transbordement des marchandises, ainsi qu'en ce qui concerne toutes les perceptions réglementaires, afférentes à ces diverses opérations, tous les produits originaires ou à destination du territoire de la République française ou de l'une quelconque de ses colonies ou possessions bénéficieront du traitement inconditionnel de la nation la plus favorisée.

Enumerated products, restriction on excess duties, charges, etc.

4. Natural or manufactured products originating in the territory of the French Republic or any of its colonies or possessions, enumerated and described in Schedule IV annexed to this Agreement, shall not be subject on their importation into the United States of America to ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said products shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

4. Les produits naturels ou fabriqués, originaires du territoire de la République française ou de l'une quelconque de ses colonies et possessions, énumérés et décrits à la liste IV annexée au présent accord, ne seront pas soumis, à leur importation aux Etats-Unis d'Amérique, à des droits de douane ordinaires plus élevés que ceux indiqués et prévus à ladite liste. Lesdits articles seront également exemptés de tous autres droits, taxes, rétributions, frais ou prélèvements imposés à leur importation ou relatifs à celle-ci, supérieurs à ceux qui étaient imposés le jour de la signature de cet accord ou qui, imposés ultérieurement devront l'être conformément aux lois des Etats-Unis d'Amérique en vigueur le jour de la signature de cet accord.

*Post.*, p. 2270.

### ARTICLE III

The provisions of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any product a charge equivalent to an internal tax imposed in respect of a like domestic product or in respect of

### ARTICLE III

Les dispositions du présent accord n'empêcheront pas le Gouvernement de l'un ou l'autre des deux pays d'établir, à un moment quelconque, à l'importation d'un article quelconque, un droit équivalent à une taxe interne frappant un produit national similaire ou

Charge equivalent to internal tax.

a commodity from which the imported product has been manufactured or produced in whole or in part.

une marchandise ayant servi à la production ou à la fabrication, en tout ou en partie de l'article importé.

## ARTICLE IV

The Government of the French Republic shall take the necessary measures in order that, on and after the date of application of this Agreement, the increases in rates of the import tax instituted by Article 32 of the Law of March 31, 1932, on semimanufactured products or articles and on manufactured products or articles, shall be suppressed with regard to goods originating in and coming from the United States of America.

## ARTICLE IV

Le Gouvernement de la République française prendra les dispositions nécessaires pour que les majorations de taux de la taxe à l'importation instituées par l'article 32 de la loi du 31 mars 1932 sur les produits ou objets semi-ouvrés et sur les produits ou objets fabriqués, soient à partir de la date de la mise en application du présent accord, supprimées à l'égard des marchandises originaires et en provenance des Etats-Unis d'Amérique.

Semimanufactured, etc., products imported from United States.

## ARTICLE V

The Government of the United States of America and the Government of the French Republic agree, as long as this Agreement remains in force, not to impose any quantitative restriction on the importation of any product, not now subject to such restriction, enumerated and described in Schedule IV and Schedule II, respectively, annexed hereto.

## ARTICLE V

Pour les produits énumérés et décrits à chacune des listes IV et II ci-annexées, le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République française conviennent que, tant que le présent accord demeurera en vigueur, ils ne soumettront pas à des restrictions quantitatives l'importation desdits produits, à moins que ceux-ci ne soient déjà soumis à des restrictions de ce genre.

Quantitative restrictions, limitation on application.

Post, pp. 2270, 2260.

Nevertheless, quantitative restrictions may be applied by either Government to the importation of the aforesaid products if such restrictions are imposed in conjunction with governmental measures operating to regulate or control the production or prices of like domestic products.

Néanmoins, des restrictions quantitatives pourront être appliquées par l'un ou l'autre Gouvernement à l'importation des produits ci-dessus visés, si ces restrictions découlent de l'application de mesures gouvernementales ayant pour objet la réglementation ou le contrôle de la production ou des prix des produits nationaux correspondants.

Exceptions.

However, the Government which proposes to establish or change such import restrictions shall give at least 30 days' advance notice to the other Govern-

En ce cas, toutefois, le Gouvernement qui se propose d'établir ou de modifier les restrictions à l'importation ci-dessus indiquées en donnera avis à l'autre Gouverne-

Advance notice of proposed change.

Action upon disagreement.

ment. If an arrangement regarding the proposed measures is not agreed upon before the expiration of such period such other Government may, within 15 days thereafter, terminate this Agreement in its entirety on 30 days' prior notice.

ment, au moins 30 jours à l'avance. Si un accord concernant les mesures envisagées ne peut être réalisé avant l'expiration de ladite période, l'autre Gouvernement pourra, dans un délai de 15 jours, mettre fin à l'accord tout entier sur préavis de 30 jours.

#### ARTICLE VI

Provisions in event quantitative restriction established.

Considering the fact that there does not exist in their reciprocal exchanges any restriction on the settlement of commercial obligations, and so long as this situation is maintained, each of the two Governments agrees upon the following provisions in the event that it should establish or maintain, in any form whatever, a quantitative restriction on or a regulation of the importation or sale of any product.

#### ARTICLE VI

Tenant compte du fait qu'il n'existe dans leurs échanges réciproques aucune restriction au règlement des créances commerciales et pour autant que cette situation sera maintenue, chacun des deux Gouvernements convient des dispositions suivantes pour le cas où il établirait ou maintiendrait, sous quelque forme que ce soit, une restriction quantitative ou une réglementation de l'importation ou de la vente d'une marchandise quelconque.

Guarantees by French Government. Allotment to United States.

1. The French Government guarantees that, if measures of quantitative restriction or control of the importation or sale are or shall be established for any of the products of commercial interest to the United States of America, including those in Schedule III, annexed to the present Agreement, there shall be allotted to the United States of America, when these measures of quantitative restriction or control take the form of allocation among the various countries, a share of the total quantity or value of any such product permitted to be imported or sold during a specified period equivalent to the proportion of the total importation of such product from foreign countries which the United States of America supplied in a basic period prior to the imposition of any quantitative restriction on such product.

1. Le Gouvernement français garantit que si des mesures de restriction ou de contrôle quantitatifs de l'importation ou de la vente sont établies ou viennent à être établies pour l'un quelconque des produits intéressant le commerce des Etats-Unis d'Amérique, y compris ceux de la liste III annexée au présent accord, il sera attribué aux Etats-Unis d'Amérique, lorsque ces mesures de restriction ou de contrôle quantitatifs se traduiront par une répartition entre les divers pays, une proportion de l'ensemble des importations ou des ventes correspondant en quantité ou en valeur à celle des importations de ces produits effectuées par les Etats-Unis d'Amérique durant une période de référence antérieure à l'établissement de ces restrictions.

Furthermore, as concerns quotas which may be established after the date of application of this Agreement, the French Government agrees, in case there shall be no allocation by countries, to subject the importation to the formality of licenses. In the issuance of such licenses no condition shall be imposed which would be prejudicial to the importation of products of the United States of America and such products shall be placed in all respects upon a footing of complete equality of treatment with those originating in every other foreign country.

2. The Government of the United States of America guarantees that if measures of quantitative restriction or control of the importation or sale of any of the products of commercial interest to the French Republic are or shall be established, there shall be allotted to the French Republic, when these measures of quantitative restriction or control take the form of allocation among the various countries, a share of the total quantity or value of any such product permitted to be imported or sold during a specified period equivalent to the proportion of the total importation of such product which the French Republic supplied in a basic period prior to the imposition of any quantitative restriction on such product.

Furthermore, as concerns quotas which may be established after the date of application of this Agreement, the Government of the United States of America agrees, in case there shall be no allocation by countries, to subject the importation to the formality of licenses. In the issuance of such licenses no condition shall be

En outre, en ce qui concerne les contingents qui pourraient être créés postérieurement à la date de mise en application du présent accord, le Gouvernement français s'engage, dans le cas où il ne serait pas fait de répartition par pays, à subordonner l'importation à la formalité de la licence. Pour la délivrance de ces licences, il ne sera imposé à l'égard des produits des Etats-Unis d'Amérique aucune condition susceptible de nuire à leur importation, et ceux-ci bénéficieront, à tous égards, d'une complète égalité de traitement par rapport à tout autre pays étranger.

2. Le Gouvernement des Etats-Unis d'Amérique garantit que, si des mesures de restrictions ou de contrôle quantitatifs de l'importation ou de la vente sont ou venaient à être établies pour des produits intéressant le commerce de la République française, y compris ceux de la liste IV, il sera attribué à la République française, lorsque ces mesures de restriction ou de contrôle quantitatifs se traduiront par une répartition entre les divers pays, une proportion correspondant en quantité ou en valeur à celle des importations ou des ventes de ces produits, effectuées par la République française durant une période de référence antérieure à l'établissement de ces restrictions.

En outre, en ce qui concerne les contingents qui pourraient être créés postérieurement à la date de mise en application du présent accord, le Gouvernement des Etats-Unis d'Amérique s'engage, dans le cas où il ne serait pas fait de répartition par pays, à subordonner l'importation à la formalité de la licence. Pour la

Licenses.

Guarantees by  
United States Gov-  
ernment.  
Allotment to  
French Republic.

Licenses.

imposed which would be prejudicial to the importation of products of the French Republic and such products shall be placed in all respects upon a footing of complete equality of treatment with those originating in every other foreign country.

délivrance de ces licences il ne sera imposé à l'égard des produits de la République française aucune condition susceptible de nuire à leur importation et ceux-ci bénéficieront à tous égards d'une complète égalité de traitement par rapport à tout autre pays étranger.

Annual supplementary quotas to United States.

*Post*, p. 2264.

3. In respect of each product enumerated and described in Schedule III, the Government of the French Republic will allocate to the United States of America, in addition to the quantity now granted it in accordance with the provisions of paragraph 1 of this Article, an annual supplementary quota beginning with the third quarter of 1936, the amount of which shall not be less than that specified in the said Schedule. These supplementary quotas shall be allocated by periods on the same basis as the quotas allocated under the provisions of paragraph 1 of this Article.

3. En ce qui concerne chacun des produits énumérés et décrits à la liste III, le Gouvernement de la République française attribuera aux Etats-Unis d'Amérique, en sus des quantités qui leur sont maintenant accordées en vertu des dispositions du paragraphe 1 du présent article, un contingent supplémentaire annuel à compter du 3ème trimestre de 1936 et dont le montant ne sera pas inférieur à celui spécifié dans ladite liste. Ces contingents supplémentaires seront répartis périodiquement sur la même base que les contingents accordés en vertu des dispositions du paragraphe 1 du présent article.

Revision of.

The supplementary quotas above provided for shall be subject to revision the first of July, 1937, and the first of July of the following years during the life of this Agreement. If the Government of the French Republic should desire to reduce any of the said quotas in accordance with the foregoing provision, it shall notify the Government of the United States of America thereof in writing, and shall specify a period of not less than 30 days for discussions before the reduction of quotas may become effective. These conversations shall be designed either to reach an agreement with respect to these reductions or to determine the compensatory modifications of the terms of this Agreement which may be deemed appropriate. If at the

Les contingents supplémentaires ci-dessus visés pourront être révisés le 1<sup>er</sup> juillet 1937 et le 1<sup>er</sup> juillet des années suivantes pendant toute la durée du présent accord. Si, conformément aux dispositions ci-dessus, le Gouvernement de la République française désirait réduire l'un quelconque de ces contingents, il le notifierait par écrit au Gouvernement des Etats-Unis d'Amérique, une période d'au moins 30 jours étant prévue pour des conversations avant que la réduction des contingents puisse devenir effective. Ces conversations auraient pour objet d'aboutir à un accord au sujet de ces réductions ou de déterminer les modifications aux termes du présent accord qui pourraient être jugées appropriées à titre de compensation. Si, à la

Action upon disagreement.



end of the specified period a satisfactory agreement has not been reached, the French Government shall be free to make the reductions, but the present Agreement shall terminate automatically 30 days after the date on which such reductions become effective.

4. The prohibitions or quotas on importation or exportation now in effect or which may be established in the future by either of the two Governments upon products originating in or destined for the territory of the other must also be applicable to like products originating in any third country or destined for any third country. If such measures are suppressed, even temporarily, by either country as regards products originating in a third country or destined for a third country, they shall likewise be suppressed as regards such products originating in or destined for the other country.

5. If the United States of America imposes or shall hereafter impose on the importation or sale of a specified quantity or value of any product of interest to French exportation a lower duty or charge than the duty or charge imposed on importations or sales in excess of such quantity or value, there will be allotted to France a share of the total quantity or value of any such product permitted to be imported or sold at such lower duty or charge, during a specified period, equivalent to the proportion of the total importation of such product which France supplied in a basic period prior to the imposition of any quantitative regulation of the importation

fin de la période précitée, un accord satisfaisant n'a pu être réalisé, le Gouvernement français sera libre d'effectuer ces réductions, mais le présent accord cessera de plein droit ses effets 30 jours après la date à laquelle celles-ci seront devenues effectives.

4. Les prohibitions ou contingents d'importation ou d'exportation actuellement existants ou susceptibles d'être établis à l'avenir par l'un des deux Gouvernements sur des produits originaires ou à destination du territoire de l'autre devront être également appliqués aux produits similaires originaires d'un pays tiers quelconque ou à destination de ce pays tiers. Si des mesures de cette nature venaient à être supprimées, même temporairement, par l'un ou l'autre des deux pays, à l'égard des produits originaires ou à destination d'un pays tiers quelconque, elles devraient être supprimées également à l'égard des mêmes produits originaires ou à destination de l'un ou l'autre des deux pays.

5. Dans le cas où les Etats-Unis d'Amérique maintiendraient ou établiraient à l'avenir des taxes ou droits de douane perçus à l'importation ou à la vente qui seraient, pour une quantité ou valeur spécifiée d'un produit quelconque intéressant l'exportation française, inférieure aux taxes ou droits frappant les importations ou les ventes effectuées en excédent de ces quantités ou valeurs, il sera alloué à la France une part de la quantité ou de la valeur totale dudit produit dont l'importation ou la vente est autorisée à tarif réduit, pendant une période spécifiée, équivalant à la proportion de l'ensemble des importations ou des ventes correspondant

Applicability of provisions to products originating in or destined for third country.

Imposition by United States of lower duty on specified quantity or value than imposed on excess.

Allotment to France.

or sale of such product, unless it is mutually agreed to dispense with such allotment. The basic period selected shall be such as to result in a fair and equitable allotment.

à celle des importations de ce produit effectuées par la République française durant une période de référence antérieure à l'établissement de toute restriction quantitative frappant l'importation ou la vente dudit produit, à moins qu'il ne soit mutuellement convenu de renoncer à cette répartition. La période de référence choisie devra permettre une répartition juste et équitable.

Suppression of quotas.

6. The foregoing provisions shall not constitute an obstacle to the suppression of quotas.

6. Les dispositions qui précèdent ne feront pas obstacle à la suppression des contingents.

#### ARTICLE VII

Schedules, notes, and Protocol considered integral parts of Agreement.

Schedules I, II, III and IV, annexed to this Agreement, the notes included in them, and the Protocol annexed to this Agreement have force and effect by virtue of this Agreement and are integral parts thereof.

#### ARTICLE VII

Les listes I, II, III et IV annexées au présent accord, les notes qui y sont incluses et le protocole annexé au présent accord ont force et effet en vertu dudit accord et en sont partie intégrante.

#### ARTICLE VIII

Internal taxes, etc., restriction on discrimination.

Natural or manufactured products of the United States of America or of the French Republic shall, after their importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like products of national origin or any other foreign origin.

#### ARTICLE VIII

Les produits naturels ou fabriqués des Etats-Unis d'Amérique ou de la République française seront exonérés, après leur importation sur le territoire de l'autre pays, des taxes intérieures, droits, frais ou contributions autres ou plus élevés que ceux auxquels sont soumis les produits similaires d'origine nationale ou de tout autre origine étrangère.

#### ARTICLE IX

Foreign purchases of Government monopolies.

In the event that the Government of either country shall establish or maintain a monopoly for the importation, production or sale of a given product, or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a product, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, shall, in respect

#### ARTICLE IX

Au cas où le Gouvernement de l'un ou l'autre des deux pays établirait ou maintiendrait un monopole à l'importation, à la production ou à la vente d'un produit déterminé, ou accorderait en fait ou en droit, à une ou plusieurs organisations, le privilège exclusif d'importer, de produire ou de vendre une marchandise déterminée, le Gouvernement du pays qui établirait, maintiendrait ou

of the foreign purchases of such monopoly or agency accord the commerce of the other country fair and equitable treatment.

attribuerait un tel monopole accorderait pour les achats effectués à l'étranger par ces monopoles ou ces organisations au commerce de l'autre pays un juste et équitable traitement.

Nevertheless, in any case in which the interests of national defense shall be at issue, each of the two Governments reserves its full and entire liberty.

Toutefois, dans tous les cas où se trouveraient en jeu des intérêts de défense nationale, chacun des deux Gouvernements conserverait sa pleine et entière liberté.

Interests of national defense.

#### ARTICLE X

The Government of the United States of America and the Government of the French Republic reserve the right to withdraw or to modify the concession granted on any product under this Agreement, or to impose quantitative restrictions on the importation of any such product if, as a result of the extension of such concession to third countries, such countries obtain the major benefit of such concession and in consequence thereof an unduly large increase in importations of such product takes place. Nevertheless before the Government concerned shall avail itself of the foregoing reservation, it shall give notice in writing to the other Government of its intention to do so and shall afford such other Government an opportunity within 30 days after receipt of such notice to consult with it in respect of the proposed action. If an agreement with respect thereto is not reached within 30 days following receipt of the aforesaid notice, the Government which proposed to take such action shall be free to do so at any time thereafter, and the other Government shall be free within 15 days after such action is taken to terminate this Agreement in its entirety on 30 days' written notice.

#### ARTICLE X

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République française se réservent le droit de retirer ou de modifier les concessions accordées par le présent accord à un produit quelconque, ou d'établir des restrictions quantitatives à l'importation de ce produit, si, à la suite de l'extension des dites concessions à des pays tiers, ceux-ci en retirent le principal avantage et qu'en conséquence, une forte augmentation des importations dudit produit se produise indûment. Toutefois avant de recourir à la faculté mentionnée ci-dessus, le Gouvernement intéressé avisera par écrit l'autre Gouvernement de son intention et lui fournira l'occasion, dans les 30 jours qui suivront la réception dudit avis, de délibérer avec lui au sujet des mesures qu'il se propose de prendre. Si une entente n'intervenait pas à ce sujet dans les 30 jours après la réception du susdit avis, le Gouvernement qui se propose de prendre les mesures en question aurait la faculté de le faire à tout moment après ce délai, et l'autre Gouvernement aurait la faculté, dans les 15 jours après leur mise en vigueur, de mettre fin au présent accord tout entier moyennant un préavis écrit de 30 jours.

Rights reserved.

Written notice of proposed action.

Right to terminate.

## ARTICLE XI

Consideration of representations with respect to application of regulations.

The Government of each of the two countries will give sympathetic consideration to any representations which the Government of the other may submit to it in regard to the application of the regulations concerning the importation of goods, including sanitary laws and regulations.

Sanitary laws, etc.

If either Government makes representations to the other Government in respect of the application of any sanitary law or regulation for the protection of human, animal or plant life, and if an agreement is not reached with respect thereto, a committee of technical experts, including representatives of each of the two Governments, shall, on the request of the interested Government, be established. It will have as its purpose the examination of the controversial questions and the submission of recommendations to the two Governments.

Adoption of measures considered as impairing objects of Agreement.

In the event that the Government of the United States of America or of the French Republic adopts a measure which, although it does not conflict with the terms of this Agreement, should nevertheless be considered by the Government of the other country to have the effect of nullifying or materially impairing any important object of the Agreement, such other Government shall be free to propose negotiations for the modification of this Agreement. If an agreement is not reached within 30 days following receipt of such proposal, the Government making such proposal shall be free to terminate this Agreement in its entirety on 30 days' notice.

## ARTICLE XI

Le Gouvernement de chacun des deux pays accueillera avec bienveillance les observations qui lui seraient présentées par le Gouvernement de l'autre relativement à l'application des règlements concernant l'importation des marchandises y compris les lois et règlements d'ordre sanitaire.

Au cas où le Gouvernement de l'un des deux pays adresserait des observations à celui de l'autre en ce qui concerne l'application des lois ou règlements sanitaires relatifs à la protection de la vie humaine ainsi que des animaux ou des végétaux et si un accord n'intervenait pas à ce sujet, une commission d'experts techniques comprenant des représentants de chacun des deux Gouvernements, serait constituée à la requête du Gouvernement intéressé. Elle aura pour mission d'examiner les questions litigieuses et de soumettre des recommandations aux deux Gouvernements.

Dans le cas où le Gouvernement des Etats-Unis d'Amérique ou de la République française adopterait une mesure qui, bien que n'étant pas en contradiction avec les termes du présent accord, serait considérée néanmoins par le Gouvernement de l'autre pays comme tendant à annuler les effets ou à porter atteinte pratiquement à l'un des buts essentiels de l'accord, l'autre Gouvernement aurait la liberté de proposer des négociations en vue de modifier le présent accord. Si une entente n'intervient pas dans les 30 jours après la réception des dites propositions, le Gouvernement qui les aura faites aura la faculté de mettre fin au présent accord dans son entier moyennant préavis de 30 jours.

In the event that a wide variation occurs in the rate of exchange between the currencies of the United States of America and France, the Government of either country, if it considers the variation so substantial as to prejudice the industries or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or to terminate this Agreement in its entirety on 30 days' written notice.

Si le taux du change entre les monnaies française et américaine venait à varier sensiblement le Gouvernement de chacun des deux pays, s'il estime que la variation en question est assez importante pour porter préjudice aux industries ou au commerce du pays, sera libre de proposer l'ouverture de négociations tendant à modifier le présent accord ou de dénoncer celui-ci, dans son entier, moyennant un préavis écrit de 30 jours.

Varia-tions in rate of ex-change, ac-tion if con-sidered prej-udicial.

## ARTICLE XII

The provisions of this Agreement relating to the treatment to be accorded by the United States of America or the French Republic to the commerce of the other country do not apply to advantages now accorded or which may hereafter be accorded to neighboring states in order to facilitate frontier traffic.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the importation or exportation of gold or silver, or to hinder the adoption of such measures as either Government may see fit with respect to the control of the importation, the exportation or the sale for export of arms, ammunition or implements of war, and, in exceptional circumstances, of all other military supplies.

Subject to the requirement that no arbitrary discrimination shall be effected by either of the two countries against importations from the other and in favor of those from any third country, the provisions of this Agreement shall not extend to prohibitions or restrictions:

(1) relative to public security;

## ARTICLE XII

Les dispositions du présent accord concernant le traitement accordé par les Etats-Unis d'Amérique ou par la République française au commerce de l'autre pays ne s'appliqueront pas aux avantages actuellement accordés ou qui seront accordés ultérieurement aux Etats voisins, en vue de faciliter le trafic frontalier.

Rien, dans le présent accord, ne doit empêcher l'adoption de mesures prohibant ou limitant l'importation ou l'exportation de l'or ou de l'argent, ou gêner l'adoption de mesures que l'un des deux Gouvernements estimerait nécessaires pour le contrôle de l'importation, de l'exportation ou de la vente à l'exportation des armes, munitions ou matériel de guerre et, dans des circonstances exceptionnelles, de tout autre matériel militaire.

Sous réserve qu'aucune discrimination arbitraire ne sera apportée par l'un ou l'autre des deux pays à l'encontre des importations de l'autre et en faveur de celles d'un pays tiers quelconque, les dispositions du présent accord ne s'étendront pas aux prohibitions ou restrictions:

(1) relatives à la sécurité publique;

Advantages accorded neighboring states.

Gold or silver im-port and ex-port re-strictions.

Control of trade in arms, etc.

Provisions not to extend to specified prohibitions, etc.

- |  |   |
|--|---|
| (2) imposed on moral or humanitarian grounds;  | (2) imposées pour des raisons morales ou humanitaires;  |
| (3) designed to protect public health or the life of animals or plants;  | (3) destinées à protéger la santé publique ou la vie des animaux ou des végétaux;   |
| (4) relative to prison-made goods;   | (4) relatives aux marchandises fabriquées dans les prisons;   |
| (5) relative to measures taken for the enforcement of police or revenue laws; and  | (5) relatives aux mesures prises pour le respect des lois de police ou des lois fiscales; et  |
| (6) relative to measures having as their object the extension to imported products of a regime analogous to that which exists for the internal commerce of the country in the like products. | (6) relatives aux mesures ayant pour objet d'étendre aux produits importés un régime analogue à celui qui existe pour le commerce des mêmes produits à l'intérieur du pays. |

Termination of Agreement if application of provisions endangers vital interests.

If, in exceptional or abnormal circumstances, the continued application of the provisions of this Agreement would endanger the vital interests of either country, the Government concerned may terminate this Agreement, giving written notice thereof to the other Government as far in advance as the circumstances permit. In the circumstances above envisaged, the two Governments will endeavor to reach an agreement upon the modifications to be made in this Agreement in order that the termination of the Agreement in its entirety may be avoided.

Modifications to prevent termination.

Si, dans des circonstances exceptionnelles ou anormales, le maintien en application des dispositions du présent accord était de nature à mettre en danger les intérêts vitaux de l'un ou l'autre des deux pays, le Gouvernement intéressé pourrait mettre fin au présent accord, à condition d'en aviser par écrit l'autre Gouvernement aussi longtemps à l'avance que les circonstances le permettraient. Dans les circonstances ci-dessus prévues, les deux Gouvernements s'efforceront d'aboutir à une entente sur les modifications à apporter au présent accord, afin d'éviter que celui-ci ne prenne fin en son entier.

### ARTICLE XIII

### ARTICLE XIII

Terms construed.

The Government of the United States of America and the Government of the French Republic agree that wherever the term "United States of America" or "United States" is employed in this Agreement, it shall be understood to apply to the Territory of Hawaii, the Territory of Alaska and the Island of Puerto Rico, as well as the continental territory of the United States. Wherever the

Les Gouvernements des Etats-Unis d'Amérique et de la République française conviennent que, chaque fois que le terme "Etats-Unis d'Amérique" ou "Etats-Unis" est employé dans le présent accord, il sera entendu que ce terme s'appliquera au territoire d'Hawaï, à celui de l'Alaska, à l'Île de Porto-Rico, aussi bien qu'au territoire continental des Etats-Unis. Chaque fois que le terme "Ré-

term "French Republic" is employed in this Agreement, it shall be understood to apply to the French customs territory, that is to say, the continental territory of France, Algeria and the Principality of Monaco.

publique française" sera employé dans le présent accord, il sera entendu que ce terme s'appliquera au territoire douanier français, c'est-à-dire la France métropolitaine ainsi que l'Algérie et la Principauté de Monaco.

## ARTICLE XIV

Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by the United States of America to the commerce of the French Republic shall not apply in the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam or in the Panama Canal Zone.

The provisions of this Agreement in regard to the most-favored-nation treatment to be accorded by the United States of America shall apply in any territory under the sovereignty or authority of the United States of America to products originating in or destined for the territory of the French Republic or any territory under the sovereignty or authority of France. The provisions of this paragraph shall not apply in the Panama Canal Zone.

The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands irrespective of any change

## ARTICLE XIV

Sous réserve des dispositions du paragraphe 2 du présent article, les dispositions du présent accord relatives au traitement qui sera accordé par les Etats-Unis d'Amérique au commerce de la République française ne s'appliqueront pas aux Iles Philippines, aux Iles Vierges, à Samoa, à l'Ile de Guam ou à la zone du Canal de Panama.

Les dispositions du présent accord concernant le traitement de la nation la plus favorisée accordé par les Etats-Unis d'Amérique s'appliqueront sur tout territoire placé sous la souveraineté ou l'autorité des Etats-Unis d'Amérique aux produits originaires ou à destination du territoire de la République française ou de tout territoire placé sous la souveraineté ou l'autorité de la France. Les dispositions de ce paragraphe ne s'appliquent pas à la zone du Canal de Panama.

Les avantages que s'accordent actuellement ou que pourraient s'accorder entre eux les Etats-Unis d'Amérique, leurs territoires ou possessions ou la zone du canal de Panama, ainsi que les avantages accordés à la République de Cuba par les Etats-Unis d'Amérique, leurs territoires ou possessions ou la zone du Canal de Panama, doivent être exceptés des dispositions du présent accord. Les dispositions du présent paragraphe s'appliqueront également en ce qui concerne les avantages qui sont ou seraient accordés aux

Provisions not applicable to Philippine Islands, etc.; exception.

Preferential treatment accorded by United States to include any territory thereof.

Not applicable in Panama Canal Zone.

Existing advantages excepted from operation of Agreement.

in the political status of the Philippine Islands.

Iles Philippines par les Etats-Unis d'Amérique, par leurs territoires ou leurs possessions ou par la zone du Canal de Panama, quels que soient les changements qui pourraient survenir dans le statut politique des Iles Philippines.

## ARTICLE XV

## ARTICLE XV

Importation of certain U. S. products into assimilated French colonies.

1. Natural or manufactured products originating in and coming from the United States of America or any of its territories or possessions, with the exception of those products which are enumerated and described in Section A of Schedule I, annexed to this Agreement, shall have the benefit, on their importation into the French colonies called "assimilated", namely, those having in principle the same customs system as the home country, of the minimum tariff duties, whether this tariff is the tariff of the home country or a special tariff. They shall not in any case be subject to duties, taxes or fees collected on importation, other or higher than those applied to like products of any third country.

*Post*, p. 2258.

Benefit of intermediate duties.

2. Products originating in and coming from the United States of America, which are enumerated and described in Section A of Schedule I, annexed to this Agreement, shall, on their importation into the French colonies called "assimilated", enjoy the benefit of the intermediate duties in force on the day of the application of this Agreement, whether this tariff is the tariff of the home country or a special tariff. Furthermore, the said products shall automatically benefit from the minimum tariff in the event that the duties under the minimum tariff applicable to the like products of any foreign origin shall be raised to a

Minimum-tariff benefits.

1. Les produits naturels ou fabriqués originaires et en provenance des Etats-Unis d'Amérique ou de l'un quelconque de leurs territoires ou possessions, exception faite de ceux énumérés et décrits à la liste I, partie A annexée au présent accord bénéficieront à leur importation dans les colonies françaises dites assimilées, c'est-à-dire ayant en principe le même régime douanier que la Métropole, des droits du tarif minimum, que ce tarif soit le tarif métropolitain ou un tarif spécial. Ils ne seront, en aucun cas, soumis à des droits, taxes ou rétributions perçus à l'occasion de l'importation, autres ou plus élevés que ceux appliqués aux produits similaires de tout autre pays tiers.

2. Le bénéfice des droits intermédiaires en vigueur au jour de la mise en application du présent accord, qu'il s'agisse du tarif métropolitain ou du tarif spécial, sera appliqué à leur importation dans les colonies françaises dites assimilées, aux produits originaires et en provenance des Etats-Unis d'Amérique, énumérés et décrits à la liste I, partie A annexée au présent accord. En outre, lesdits produits bénéficieront automatiquement du tarif minimum, au cas où les droits applicables en tarif minimum aux produits similaires d'une origine étrangère quelconque seraient portés à un taux égal ou supérieur à celui des droits



rate equal to or higher than that of the intermediate rates in effect at the time of the application of this Agreement. This provision shall not be an obstacle to a modification of the tariff nomenclature. The foregoing provisions of this paragraph shall be applied in the assimilated colonies, to products originating in and coming from any of the territories or possessions of the United States.

3. In the colonies called "non-assimilated", that is, those having a special customs system, and in Tunisia, products originating in and coming from the United States of America or any of its territories or possessions, shall have the benefit of the lowest customs duties which are or may be granted to any third country. They shall not in any case be subject to any duties, taxes or fees collected on importation other or higher than those applied to like products of any third country.

4. It is understood, furthermore, that the most-favored-nation treatment provided for in this Agreement does not extend:

(a) to the preferential regime which is accorded or which may be accorded in the future by France, by the French colonies and by Tunisia to Morocco and the territories placed under French mandate;

(b) to the preferential regime established or which may be established in relations between France and Tunisia, France and the French colonies, and the colonies, possessions or protectorates and the countries under the mandate of France between themselves, without prejudice, however, to rights established by any other treaty or agreement.

intermédiaires en vigueur lors de la mise en application du présent accord. La présente disposition ne met pas obstacle à une modification de la nomenclature tarifaire. Les dispositions du présent paragraphe seront appliquées, dans les colonies assimilées, aux produits originaires et en provenance de l'un quelconque des territoires ou possessions des Etats-Unis.

Application of provisions.

3. Dans les colonies dites non assimilées, c'est-à-dire ayant un régime douanier spécial et en Tunisie, les produits originaires et en provenance des Etats-Unis d'Amérique ou de l'un quelconque de leurs territoires ou possessions bénéficieront des tarifs douanier les plus réduits qui y sont ou pourraient être accordés à tout autre pays tiers. Ils ne seront, en aucun cas, soumis à des droits, taxes ou rétributions perçus à l'occasion de l'importation autres ou plus élevés que ceux appliqués aux produits similaires de tout autre pays tiers.

"Nonassimilated" colonies and Tunisia.

4. Il est entendu, d'autre part, que le traitement de la nation la plus favorisée tel qu'il est prévu au présent accord ne s'étend pas:

(a) au régime préférentiel qui est accordé ou serait accordé dans l'avenir par la France, les colonies françaises et la Tunisie, au Maroc et aux territoires placés sous mandat français;

(b) au régime préférentiel établi ou à établir dans les relations entre la France et la Tunisie, la France et les colonies françaises, et les colonies, possessions ou protectorats et pays sous mandat français entre eux, sans préjudice toutefois des droits résultant de tous autres traités ou accords.

Most-favored-nation treatment not to extend to certain preferential regimes.

Preferences by France to certain central and eastern European states.

5. With reference to preferences granted or which may be granted by France to certain States of central and eastern Europe pursuant to the recommendations of the International Conference of Stresa of September 20, 1932, the Government of the United States, without modifying its position on the question of principle involved, agrees not to invoke the most-favored-nation clause of this Agreement in respect of these preferences so long as they are not extended to other than the aforementioned countries. However, in the event that such preferences should have the effect of impairing materially the benefits obtained under this Agreement, the Government of the United States reserves the right to reopen negotiations with a view to the modification of this Agreement.

5. En ce qui concerne les avantages préférentiels accordés ou susceptibles d'être accordés par la France à certains Etats de l'Europe Centrale et Orientale, conformément aux recommandations de la Conférence Internationale de Stresa du 20 Septembre 1932, le Gouvernement des Etats-Unis d'Amérique, tout en réservant sa position de principe en la matière, accepte de ne pas invoquer la clause de la nation la plus favorisée, prévue par le présent accord, pour demander le bénéfice de ces avantages préférentiels pour autant qu'ils ne seront pas étendus à d'autres pays que ceux mentionnés ci-dessus. Toutefois, au cas où les avantages résultant du présent accord se trouveraient affectés de manière importante par l'octroi de ces préférences, le Gouvernement des Etats-Unis se réserve le droit de provoquer l'ouverture de négociations en vue de modifier le présent accord.

#### ARTICLE XVI

#### ARTICLE XVI

Former Agreement to be superseded.

From the day on which the present Agreement comes into force it shall supersede the agreement on quotas of May 31, 1932, modified on January 21, 1935, between the United States of America and the French Republic.

Le jour où le présent accord entrera en application, il remplacera l'accord sur les contingents du 31 mai 1932 modifié le 21 janvier 1935, entre les Etats-Unis d'Amérique et la République française.

#### ARTICLE XVII

#### ARTICLE XVII

Proclamation of Agreement by President of the United States.

The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by the President of the French Republic after its approval by the French Senate and the Chamber of Deputies.

Le présent accord fera l'objet d'une proclamation par le Président des Etats-Unis d'Amérique et sera ratifié par le Président de la République française, après approbation par le Sénat français et par la Chambre des Députés.

Ratification by President of France, etc.

Date of coming definitively into force.

The Agreement shall come definitively into force on the day on which the Government of the

L'accord entrera définitivement en vigueur le jour où le Gouvernement de la République française

French Republic shall have informed the Government of the United States of America of its ratification by the President of the French Republic and the Government of the United States of America on its part shall have communicated officially to the Government of the French Republic the proclamation of the President of the United States of America.

The Agreement shall come provisionally into force on June 15, 1936.

L'accord entrera provisoirement en vigueur le 15 juin 1936.

Provisional date.

The Agreement shall continue in force, subject to the provisions of Articles I, V, VI, X, XI and XII, until July 1, 1937. Unless at least six months before July 1, 1937, the Government of either country shall have notified the other Government of its intention to terminate the Agreement on that date, it shall continue in force thereafter, subject to the provisions of Articles I, V, VI, X, XI and XII, until six months from the day on which the Government of either country shall have given notice to the other Government of its intention to terminate the Agreement.

L'accord restera en vigueur, sous réserve des dispositions des Articles I, V, VI, X, XI et XII, jusqu'au 1<sup>er</sup> juillet 1937. A moins que, six mois avant le 1<sup>er</sup> juillet 1937, l'un des deux Gouvernements n'ait notifié à l'autre son intention de mettre fin à l'accord à cette date, il restera en vigueur par la suite, sous réserve des dispositions des Articles I, V, VI, X, XI et XII, jusqu'à l'expiration de six mois à dater du jour où l'un des deux Gouvernements aura remis à l'autre notification de son intention de mettre fin à l'accord.

Duration of Agreement.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

En foi de quoi les plénipotentiaires respectifs ont signé le présent accord et y ont apposé leurs cachets.

Done in duplicate, in the English and French languages, both authentic, at the city of Washington, this sixth day of May, nineteen hundred and thirty-six.

Fait en double exemplaire en anglais et en français, les deux textes faisant également foi, à Washington, ce sixième jour de mai, mil neuf cent trente-six.

For the President of the United States of America:

[SEAL] CORDELL HULL

Signatures.

For the President of the French Republic:

[SEAL] ANDRÉ LEFEBVRE DE LA BOULAYE

## SCHEDULE I—SECTION A

## LIST OF EXCEPTIONS TO THE GRANTING OF THE MINIMUM TARIFF

French Tariff Numbers	Description of Articles
Ex 47	Preserved fish, with the exception of those included in Schedule I, Section B, and in Schedule III annexed to the present Agreement
Ex 79	Rough rice (rice in the straw), broken rice, rice flour and semolina
Ex 112 bis	Vanillin and its derivatives or substitutes
Ex 126 bis	Flowers of mullein, borage, common camomile, marshmallow, mallow, pansies, Provence roses, elder and violets
Ex 141	Absorbent cotton, other than impregnated or pharmaceutical
Ex 189	Sulphur, ground, purified, refined or sublimated
Ex 200	Gold, drawn, rolled or spun (other than wire drawn, simply rolled, etc.)
068	Sodium phosphate
080	Sodium hyposulphite
0156	Caustic potash
0322	Phenacetin
Ex 0375	Celluloid (including artificial ivory and tortoise shell): Rough, in lumps, plates, unworked sheets, tubes, rods, sticks, colored or not in the mass; In sheets, polished, dulled, colored or worked on the surface
Ex 0376 bis	Synthetic resins other than infusible
Ex 294 A { B { C {	Products included under these tariff numbers for which the difference between the minimum tariff and the tariff applicable on the day of the signature of this agreement is more than 10% of the minimum tariff
295	Ultramarine
296	Prussian blue
Ex 299 bis	Printing ink, black for newspapers, without dryer oil; and color inks, others, without dryer oil
Ex 301	Composite pencils with white casing and pencils for notebooks without tips
302 A	Carbons for electric arc light and electrodes for electric furnaces, for electrolysis, for batteries or other uses
303, 304	Ochres, etc.
307	Pulverized talc
308	Paints ground in oil
309	Paints in paste prepared with water or with size, etc.
310	Paints not elsewhere specified, etc.
315 ter	Medicinal adhesive plasters
Ex 316	Compound medicines, not elsewhere specified, appearing in an official pharmacopoeia, not packed (for retail sale) Synthetic organic chemical products, whether appearing in an official pharmacopoeia or not, imported for wholesale trade and not for sale to the public
408	Coated percaline
Ex 459 B { F { G { I { J {	Velvets of silk, floss silk or rayon, pure or mixed, included under these tariff numbers, ecru, scoured, bleached or dyed, fashioned (façonnés)
Ex 459 H-I } and H-II }	Velvets of silk, floss silk or rayon, pure or mixed, included under these tariff numbers, ecru, scoured, bleached or dyed
477 bis	Artificial leather
479	Parts of shoes, etc.
Ex 495 A	Goldsmith's wares of gold, etc., manufactured after 1830
495 B	Jewelry of gold, etc.
496	Gold- or silver-plated wares
496 bis	Imitation jewelry
512 bis A	Pumps
Ex 524 bis N	Unspecified electrical apparatus, not containing insulated metal coils weighing 50 kilos and less per unit
579 bis E	Aluminum manufactures: Mechanical parts or other parts, of simply hammered, pressed or stamped sheet
612	Hats, shapes or tops of wood-shavings, of straw, etc.
620 N-I	Shoes of all kinds with uppers of rubber or of one or two ply rubberized cloth and with soles of rubber or other materials affixed with glue or by any other means
620 N-II	Tops and uppers of shoes of the categories designated under No. 620 N-I above
Ex 627 bis	Hat shapes or tops of rayon, artificial horsehair or mixed, etc.

## LISTE I—PARTIE A

## LISTE DES EXCEPTIONS A L'OCTROI DU TARIF MINIMUM

Numéros du tarif français	Désignation des produits
ex 47	Poissons conservés, à l'exclusion de ceux repris à la liste I, partie B, et à la liste III annexée au présent accord
ex 79	Riz en paille, brisures, farines et semoules de riz
ex 112 bis	Vanilline et ses dérivés ou substituts
ex 126 bis	Fleurs de bouillon blanc, de bourrache, de camomille romaine, de guimauve, de mauve, de pensées, de rose de Provins, de sureau et de violettes
ex 141	Coton hydrophile, autre qu'imprégné ou pharmaceutique
ex 189	Soufre trituré, épuré, raffiné ou sublimé
ex 200	Or tiré, laminé ou filé (autre que dégrossi, simplement laminé, etc.)
068	Phosphate de soude
080	Hyposulfite de soude
0156	Potasse caustique
0322	Phénacétine
ex 0375	Celluloid (y compris l'ivoire et l'écaille factice): Bruts, en masse, plaques, feuilles non ouvrées, tubes, joncs, bâtons, colorés ou non dans la masse; En feuilles polies, matées, colorées ou à surface travaillée
ex 0376 bis	Résines synthétiques autres qu'infusibles
ex 294 A {	Produits repris sous les numéros ci-contre pour lesquels la différence entre le tarif minimum et le tarif applicable au jour de la signature du présent accord est supérieure à 10% du tarif minimum
B {	
C {	
295	Outremer
296	Bleu de Prusse
ex 299 bis	Encres à imprimer, noires à journal sans huile siccative et encres de couleur, autres, sans huile siccative
ex 301	Crayons composés: à gaine de bois blanc et crayons pour carnet sans tête
302 A	Charbons pour lumière électrique à arc et électrodes pour fours électriques, électrolyse, piles ou autres usages
303, 304	Ocres, etc.
307	Talc pulvérisé
308	Couleurs broyées à l'huile
309	Couleurs en pâte préparées à l'eau ou à la colle, etc.
310	Couleurs non dénommées, etc.
315 ter	Sparadraps médicamenteux
ex 316	Médicaments composés, non dénommés, figurant dans une pharmacopée officielle, non conditionnés Produits chimiques organiques de synthèse figurant dans une pharmacopée officielle ou n'y figurant pas, importés pour le commerce en gros et non pour la vente au public
408	Percaline enduite
ex 459 B {	Velours de soie, de bourre de soie ou rayonne, pures ou mélangées, repris sous les numéros ci-contre, écrus, décrus, blanchis ou teints, façonnés
F {	
G {	
I {	
J {	
ex 459 H-I {	Velours de soie, de bourre de soie ou de rayonne, pures ou mélangées, repris sous les numéros ci-contre, écrus, décrus, blanchis ou teints
H-II {	
477 bis	Cuir artificiel
479	Parties de chaussures, etc.
ex 495 A	Orfèvrerie d'or, etc., de fabrication postérieure à 1830
495 B	Joaillerie, bijouterie d'or, etc.
496	Ouvrages dorés ou argentés
496 bis	Bijouterie fausse
512 bis A	Pompes
ex 524 bis N	Appareils électriques non mentionnés, sans enroulements de fils métalliques isolés, pesant par unité 50 Kgs et moins
579 bis E	Ouvrages en aluminium: Pièces mécaniques ou autres, en tôle simplement martelée, repoussée ou emboutie
612	Chapeaux, cloches ou plateaux de copeaux de bois, de paille, etc.
620 N-I	Chaussures de toutes sortes avec dessus en caoutchouc ou en tissu simple ou double, caoutchouté, et semelles en caoutchouc ou autres matières adaptées par collage ou de toute autre manière
620 N-II	Tiges et dessus de chaussures des catégories visées au No. 620 N-I ci-dessus
ex 627 bis	Cloches ou plateaux en rayonne, crin artificiel ou mélangés, etc.

## SCHEDULE I—SECTION B

## PRODUCTS ADMITTED AT THE MINIMUM TARIFF WITHIN THE LIMIT OF THE QUANTITIES SPECIFIED

French Tariff Numbers	Description of Articles	Quantities to be Admitted Annually at the Minimum Tariff
Ex 47	Preserved fish, "others": Pilchards	Quintals 1, 000
028	Refined borate of soda (borax)	1, 500
0114	Chromates and bichromates of potassium	373
0114 bis	Chromates and bichromates of soda	1, 418

## SCHEDULE II—SECTION A

French Tariff Numbers	Description of Articles	Unit	Duty (in francs)
Ex 84 A	Grapefruit	100 kilos	50.
Ex 85	Table or other fruit, dried or evaporated:		
	Prunes:		
	80 prunes and less per 500 grams, and prunes in boxes, whatever their size	100 kilos	165.
	Others	100 kilos	123.
Ex 85	Edible Corinth raisins used for pastry (this classification is exclusively applicable to Corinth raisins proper, Smyrna raisins (Ismir) known as Sultanas, and raisins of the Corinth and Smyrna type, imported: 1)—by parcel post 2)—in cases of 50 kilos and less, or else in barrels of approximately 80 kilos) <i>Note:</i> Thompson seedless raisins are included in this category.	100 kilos	40.
Ex 86 C	Table or other fruit, preserved in the natural state, whole or not, without sugar, syrup or alcohol: Pineapple, including fruit salads (macédoines de fruits) containing more than 5% of pineapple	100 kilos	285.
Ex 158 C	Vegetables, preserved in cans or hermetically sealed containers: Asparagus	100 kilos	200.
Ex 523	Sewing machine heads, including nicked parts, other than for special uses	100 kilos	700.
Ex 525 ter B	Cash registers weighing 50 kgs. and more per unit and their spare parts	100 kilos	900.
Ex 614 ter A	Automobile chassis for passenger cars, without bodies, with or without motors, equipped or not with pneumatic tires (other than for auto-busses or autocars, etc.) weighing per unit: less than 850 kilos from 850 kilos inclusive to 1,250 kilos exclusive from 1,250 kilos inclusive to 1,500 kilos exclusive from 1,500 kilos inclusive to 1,750 kilos exclusive 1,750 kilos and more	kilo kilo kilo kilo kilo	4. 15 4. 80 5. 45 6. 65 8. 05
	<i>Note to Ex 614 ter A:</i> The admission of these chassis benefiting by these reduced rates will be limited to an annual quota of 3,062 quintals. The importation will be subject to the presentation of special licenses, delivered by the French Automobile Federation to special (de luxe) body builders.		

## LISTE I—PARTIE B

## PRODUITS ADMIS AU TARIF MINIMUM DANS LA LIMITE DE QUANTITÉS DÉTERMINÉES

Numéros du tarif français	Désignation des produits	Quantités admises au tarif minimum annuellement
ex 47	Poissons conservés "autres":	
	Pilchards	1. 000 qx.
028	Borate de soude (borax) raffiné	1. 500 "
0114	Chromates et bichromates de potasse	373 "
0114 bis	Chromates et bichromates de soude	1. 418 "

## LISTE II—PARTIE A

Numéros du tarif français	Désignation des produits	Unité de perception	Droit (francs)
ex 84 A	Pamplemousses	100 Kgs	50
ex 85	Fruits de table ou autres secs ou tapés:		
	Prunes, pruneaux:		
	80 fruits et moins aux 500 grammes et pruneaux en boîtes ou en caisses quelle qu'en soit la grosseur	100 Kgs	165
	Autres	100 Kgs	123
ex 85	Raisins propres à la consommation, de Corinthe servant à la pâtisserie (cette tarification est exclusivement applicable aux raisins de Corinthe proprement dits, aux raisins de Smyrne (Ismir) dits Sultanines et aux raisins type Corinthe ou type sultanines, importés:		
	1° par colis-postal		
	2° en caisse de 50 kgs et moins ou bien en barils d'environ 80 kgs)	100 Kgs	40
	Note: Les raisins "Thompson seedless" sont compris dans cette catégorie.		
ex 86 C	Fruits de table ou autres, conservés au naturel, à l'état entier ou non, sans sucre, ni sirop, ni alcool:		
	Ananas, y compris les macédoines de fruits contenant plus de 5% d'ananas	100 Kgs	285
ex 158 C	Légumes conservés en boîtes ou en récipients hermétiquement clos:		
	Asperges	100 Kgs	200
ex 523	Têtes de machines à coudre, y compris les parties nickelées, autres qu'à usages spéciaux	100 Kgs	700
ex 525 ter B	Caisses enregistreuses, appareils similaires et leurs pièces détachées, pesant par unité 50 Kgs et plus	100 Kgs	900
ex 614 ter A	Châssis de voitures automobiles pour le transport des personnes, non carrossés, avec ou sans moteur, garnis ou non de pneumatiques (autres que pour autobus ou autocars, etc. . .) pesant par unité:		
	—moins de 850 kgs	kg	4, 15
	—de 850 kgs inclus à 1.250 kgs exclus.	"	4, 80
	—de 1.250 kgs inclus à 1.500 kgs exclus.	"	5, 45
	—de 1.500 kgs inclus à 1.750 kgs exclus.	"	6, 65
	—de 1.750 kgs et plus. . . .	"	8, 05
	Note ad ex 614 ter A: L'admission de ces châssis au bénéfice des droits réduits sera effectuée dans la limite d'un contingent annuel de 3.062 quintaux. L'importation sera subordonnée à la présentation de licences spéciales délivrées par la Fédération française de l'automobile pour des entreprises de carrosseries de luxe.		

## SCHEDULE II—SECTION A—Continued

French Tariff Numbers	Description of Articles	Unit	Duty (in francs)
630 quater C	Spark plugs for all internal combustion motors with insulating parts of mica, porcelain, steatite, petroid, stecolith, silimanith, or other materials	each	2. 85
630 quater D	Insulating parts for spark plugs for all internal combustion motors, of mica, porcelain, steatite, petroid, stecolith, silimanith, or other materials	each	2. 50
636 A	Fountain pens of any material, with or without pen points, stylographic pens of any material, with nibs and their separate parts except those included under No. 636 D		25% ad val. but not less than 1.50 francs each
636 B	Automatic pencils of any material and their spare parts, with the exception of those included under No. 636 D, but including the mechanism for automatic pencils with continuous feeding		25% ad val. but not less than 0.60 francs each
636 C	Pen holders other than fountain pens, and pencil holders	kilo	13.
636 D	Metal parts for all articles designated in Nos. 636 A, 636 B and 636 C, and rubber reservoirs for fountain pens <i>Note to Nos. 636 A to D:</i> Articles of these kinds made of precious metals or with parts of precious metals are dutiable as manufactures of precious metals. Pen points of precious metals are dutiable at their own rate.	kilo	25.

## SCHEDULE II—SECTION B

French Tariff Numbers	Description of Articles
Ex 45	Fish, fresh water: Salmonides: Other than trout
Ex 85	Table or other fruit, dried or evaporated: Peaches and apricots Apples and pears
461 I	Paper and cardboard, cut, not specially taxed as such, and articles, n. e. s., made of paper and cardboard, etc. <i>Note to 461 I:</i> The quota has been provisionally suspended on these products. In case the quota should be reestablished, an annual supplementary quota would be accorded to the United States of 5,200 metric quintals.
Ex 463 bis	Vulcanized fiber (American pasteboard) and similar products, not cut, painted, varnished, lacquered nor decorated
469 quater	Motion picture films: <i>Note to No. 469 quater:</i> The guaranty provided for in Article I, paragraph 5, applies likewise to the valuation of the products included under 469 quater.
Ex 614 ter B	Accessories, parts and spare parts for all automobiles, worked or having undergone assembly, adjustment or flanging: 1. Hoods for motors 3. Shock absorbers and parts Ex 6. Gear and transmission assemblies, transmissions Steering apparatus, with or without steering wheel, gear box 12. Axles 14. Metallic brakes and parts of metallic brakes, without brake lining Ex 31. Other parts and spare parts (other than in rough state) not dutiable elsewhere, weighing less than 500 grams per unit, made of any other material than precious metals or fine materials (such as ivory, shell, mother-of-pearl, amber or amber compound)



## LISTE II—PARTIE A—Continuée

Numéros du tarif français	Désignation des produits	Unité de perception	Droit (francs)
630 quat. C	Bougies d'allumage pour tous moteurs à carburation, avec pièces isolantes en mica, porcelaine, stéatite, pétroïd, stécolithe, sillimanite ou autres matières	la pièce	2, 85
630 quat. D	Pièces isolantes pour bougies d'allumage, pour tous moteurs à carburation, en mica, porcelaine, stéatite, pétroïd, stécolithe, sillimanite ou autres matières	"	2, 50
636 A	Porte-plumes à réservoir, en toutes matières avec ou sans plumes, stylographes en toutes matières, à pointe et leurs pièces détachées sauf celles reprises sous le N° 636 D		25% ad val. avec minimum de perception de 1 Fr 50 par unité
636 B	Porte-mines en toutes matières et leurs pièces détachées, à l'exception de celles reprises au n° 636 D, mais y compris le mécanisme de porte-mines dit "automatique" à alimentation continue		25% ad val. avec minimum de perception de 0 Fr 60 par unité
636 C	Porte-plumes autres qu'à réservoir et porte-crayons	kg	13
636 D	Fournitures métalliques pour tous les articles visés aux Nos 636 A, 636 B, 636 C, sacs en caoutchouc pour porte-plumes réservoirs <i>Note ad N° 636 A à D:</i> Les articles de l'espèce en métal précieux ou avec parties en métal précieux suivent le régime de l'orfèvrerie. Les plumes en métal précieux sont taxées à leur droit propre.	kg	25

## LISTE II—PARTIE B

Numéros du tarif français	Désignation des produits
ex 45	Poissons d'eau douce frais, salmonidés autres que truites
ex 85	Fruits de table ou autres, secs ou tapés: Pêches et abricots Pommes et poires
461 I	Papier ou carte découpé et non spécialement taxé en cet état et ouvrages en papier ou carte non dénommés ailleurs, etc. <i>Note ad 461 I:</i> Le contingentement applicable aux produits repris sous ce numéro est provisoirement suspendu. Au cas où il serait rétabli, un contingent supplémentaire annuel de 5.200 quintaux serait accordé aux Etats-Unis d'Amérique.
ex 463 bis	Fibre vulcanisée (carton dit américain) et produits similaires, non découpés, ni peints, ni vernis, ni laqués, ni décorés
469 quater	Rouleaux ou bandes pour cinématographes. <i>Note ad N° 469 quater:</i> La garantie prévue à l'article I, paragraphe 5, s'applique également à l'évaluation des produits repris sous le N° 469 quater.
ex 614 ter B	Accessoires, parties et pièces détachées pour toutes voitures automobiles, travaillés ou ayant subi un assemblage, un ajustage ou un emboutissage: 1. Capots de moteur 3. Amortisseurs de suspension et leurs pièces détachées. Ex 6. Assemblages d'engrenage et de transmission: —transmissions, —directions avec ou sans volant, embrayage. 12. Essieux 14. Freins métalliques et parties de freins métalliques sans garnitures de friction. Ex 31. Autres pièces, parties ou organes (autres qu'à l'état brut), non taxés ailleurs, pesant par unité moins de 500 grammes, en matière quelconque autre que métal précieux ou matières fines (ivoire, écaille, nacre, ambre ou ambroïde)

French Tariff Numbers	Description of Articles	Annual Supplementary Quo- tas (in quintals, unless otherwise indicated)
Ex 47	Preserved fish, in brine (marinés) or other- wise prepared: Salmon	10,000 until Decem- ber 31, 1936 2,500 for first quarter, 1937
Ex 49	Crustaceans preserved in the natural state or prepared <i>Note:</i> The French Government expects that at the expiration of the first year of the present agreement the supplemen- tary quotas allocated to the United States of America for preserved salmon and crustaceans will be transformed into normal quotas and it will endeavor to maintain them at the above mentioned quarterly amounts.	250 for first quarter, 1937
Ex 128 } Ex 128 bis } Ex 133 }	Common woods other than magnolia, yel- low poplar and similar woods	13,618 metric tons
Ex 128 } Ex 128 bis } Ex 133 }	Common woods of magnolia, yellow pop- lar and similar woods <i>Note:</i> The provisions of Article I, para- graph 5, do not apply to products in- cluded under the French tariff numbers 128, 128 bis and 133.	1,748 metric tons
Ex 178 bis	Artificial abrasives, pure or mixed with natural abrasives or other substances: Carborandum or carborundum (sili- con carbide), powdered or ground	650
Ex 178 ter A	Applied abrasives: On cloth; natural abrasives, and in- cluding glass or silex applied on cloth On paper, wood, etc.; natural abra- sives, including glass or silex applied on paper, wood, etc.	120  165
Ex 184 bis	Hydraulic lime, in blocks or in powder, regardless of the method of packing or shipping	1,000
0193 bis	Butyl alcohol <i>Note:</i> The French Government will en- deavor to maintain the annual supple- mentary quota at the figure of 200 quintals, but reserves the right to reduce it to 163 quintals if unforeseen circum- stances should make this reduction necessary.	200
0201 bis	Butyl acetate <i>Note:</i> The French Government will en- deavor to maintain the annual supple- mentary quota at the figure of 300 quintals, but reserves the right to reduce it to 254 quintals if unforeseen circum- stances should make this reduction necessary.	300
Ex 298	Varnishes and assimilated paints other than with alcohol, or with cellulose ace- tate or nitrocellulose base	1,000
347 ter	Artificial teeth of porcelain, enamel or similar materials	28
Ex 361 bis	Radio or wireless tubes	45
Ex 459	Knit goods of silk or silk floss:	11,880 doz. pairs
P-I	Stockings and socks	

## LISTE III

Numéros du tarif français	Désignation des produits	Contingents annuels supplémentaires (en quintaux sauf indication contraire)
ex 47	Poissons conservés, marinés, ou autrement préparés: Salmonidés	10.000 jusqu'au 31 décembre 1936 2.500 pour le 1er trimestre 1937
ex 49	Crustacés conservés au naturel ou préparés  <i>Note:</i> Le Gouvernement français prévoit qu'à l'expiration de la première année de l'accord, les contingents supplémentaires attribués aux États-Unis d'Amérique pour les conserves de salmonidés et de crustacés pourront être transformés en contingents normaux et il s'efforcera de maintenir ces contingents aux chiffres trimestriels ci-dessus mentionnés.	250 pour le 1er trimestre 1937
ex 128, ex 128 bis, ex 133	Bois communs autres que les bois de magnolia, de tulipier et similaires	13.618 tonnes
ex 128, ex 128 bis, ex 133	Bois communs de magnolia, de tulipier et similaires <i>Note:</i> La disposition de l'article I, paragraphe 5, ne s'applique pas aux produits repris sous les Nos. 128, 128 bis et 133 du tarif douanier français.	1.748 tonnes
ex 178 bis	Abrasifs artificiels, purs ou mélangés d'abrasifs naturels ou d'autres matières: Carborandum ou carborundum (carbure de silicium) broyés ou en grains	650
ex 178 ter A	Abrasifs appliqués: Sur tissus; abrasifs naturels, y compris les tissus verrés ou silexés Sur papier, bois, etc.; abrasifs naturels, y compris les papiers, bois, etc., verrés ou silexés	120 165
ex 184 bis	Chaux hydraulique en pierre ou en poudre quel que soit le mode d'emballage ou d'expédition	1.000
0193 bis	Alcool butylique <i>Note:</i> Le Gouvernement français s'efforcera de maintenir le contingent supplémentaire annuel au chiffre de 200 quintaux, mais se réserve le droit de le réduire à 163 quintaux si des circonstances imprévues rendent cette réduction nécessaire.	200
0201 bis	Acétate de butyle <i>Note:</i> Le Gouvernement français s'efforcera de maintenir le contingent supplémentaire annuel au chiffre de 300 quintaux, mais se réserve le droit de le réduire à 254 quintaux si des circonstances imprévues rendent cette réduction nécessaire.	300
ex 298	Vernis et peintures assimilées autres qu'à l'alcool ou qu'à base d'acétate de cellulose ou de nitrocellulose	1.000
347 ter	Dents artificielles en porcelaine, émail ou matières similaires	28
ex 361 bis	Lampes, valves de T. S. F.	45
ex 459 P-I	Bonneterie de soie ou de bourre de soie: Bas et chaussettes	11. 880 Dz. de paires

## SCHEDULE III—Continued

French Tariff Numbers	Description of Articles	Annual Supplementary Quotas (in quintals, unless otherwise indicated)
Ex 461 G	Machine made paper n. e. s. (other than those benefiting by favored tariff treatment provided for these kinds of paper intended for use in printing newspapers, magazines, periodicals, etc.) weighing more than 35 grams per square meter	7,300
Ex 462 A	Rough cardboard, in sheets, plates, rolls or spools, other than insulating board more than 10 millimeters in thickness	2,500
Ex 469 quarter	Motion picture films:	
	<i>Note:</i>	
	a) The number of dubbed films permitted to be shown in France shall not be less than 94 films per semester.	
	b) The American original version films authorized to be shown in France may be shown in five theaters in the Department of the Seine and ten theaters in the other French departments, but in a maximum of two theaters in any one of these other departments, although exceptions may be granted by the Minister of National Education.	
	c) The French Government will take no new measures which would have the effect of placing American films in a position, in comparison with French films, or with those of any other foreign country, less favorable than that which they now enjoy.	
Ex 476 bis	Hides or skins, patent, other than kid, sheep and lamb	101
Ex 476 ter B	Hides, curried, others, treated with tallow, waxed, of natural color, dyed, shagreened, goffered, grained, glossed, stamped, moroccoed, dulled, blackened, painted, checkered, colored, etc., of goat, kid, sheep and lamb	37
510 A	Steam engines, stationary and marine; in each case separate from their boiler, steam pumps, compressors, etc.	3,400
512 C	Agricultural and other tractors	2,300
521	Printing presses	1,000
Ex 522	Agricultural machinery:	
	Cultivators	97
	Mowers	817
	Reapers, reaper-binders, combines	1,477
	Others	2,003
Ex 524 bis B	Apparatus for circuit-breaking, regulating, protecting, distributing electric current, and including panel boards, bare or equipped:	
	a) Non-automatic apparatus and apparatus capable of being transformed into automatic apparatus	450
	b) Automatic apparatus	810
524 bis G	Radio telephone and telegraph apparatus (including their separate parts)	588
Ex 524 bis M	Electric domestic apparatus:	
	Domestic refrigerators	502

## LISTE III—Continuée

Numéros du tarif français	Désignation des produits	Contingents annuels supplémentaires (en quintaux sauf indication contraire)
ex 461 G	Papier non dénommé à la mécanique (autres que ceux admis au régime de faveur prévu pour les papiers de l'espèce et destinés à l'impression des journaux, publications, périodiques, et à l'édition) pesant plus de 35 Grs. au m <sup>2</sup>	7. 300
ex 462 A	Carton brut, en feuilles, plaques, rouleaux ou bobines enroulées, autre que carton isolant de plus de 10 m/m d'épaisseur	2. 500
ex 469 quater	Rouleaux ou bandes pour cinématographe:	
	<i>Note:</i>	
	a) Le nombre de films doublés susceptibles d'être projetés en France ne sera pas inférieur à 94 films par semestre.	
	b) Les versions originales de films américains autorisés à être présentées en France pourront être projetées dans 5 salles du Département de la Seine et 10 salles des autres Départements français, à raison d'un maximum de 2 salles dans l'un quelconque de ces autres départements; des dérogations pouvant être accordées par le Ministre de l'Éducation Nationale.	
	c) Le Gouvernement français ne prendra aucune mesure nouvelle susceptible d'avoir pour effet de placer les films américains par rapport aux films français ou à ceux de tout autre pays étranger dans une situation moins favorable que celle dont ils bénéficient actuellement.	
ex 476 bis	Peaux et parties de peaux vernies autres que chevreaux, moutons et agneaux	101
ex 476 ter B	Peaux corroyées autres, traitées au suif, au dégras, cirées, de couleur naturelle, colorées, chagrinées, gaufrées, grainées, lustrées, imprimées, maroquinées, mates, noircies, peintes, quadrillées, teintées, etc., de chèvres, chevreaux, moutons et agneaux	37
510 A	Machines à vapeur, fixes, et machines de navigation, toujours séparées de leur chaudière, pompes à vapeur, compresseurs, etc.	3, 400
512 C	Tracteurs agricoles et autres	2. 300
521	Machines pour l'impression	1. 000
ex 522	Machines agricoles:	
	Cultivateurs	97
	Faucheuses	817
	Moissonneuses, moissonneuses lieuses et moissonneuses javaleuses, etc.	1. 477
	Autres	2. 003
ex 524 bis B	Appareils pour la coupure, le réglage, la protection, la distribution du courant électrique, y compris les tableaux de distribution électrique, montés ou non montés:	
	a) Appareils non automatiques ou susceptibles d'être transformés en appareils automatiques	450
	b) Appareils automatiques	810
524 bis G	Appareils de télégraphie et téléphonie sans fil (y compris leurs pièces détachées)	588
ex 524 bis M	Appareils électriques à usage domestique: Machines frigorifiques domestiques	502

## SCHEDULE III—Continued

French Tariff Numbers	Description of Articles	Annual Supplementary Quo- tas (in quintals, unless otherwise indicated)
525 B	Pneumatic hammers and tools	200
Ex 525 ter B	Typewriters and parts	200
527 bis	Refrigerating apparatus	278
Ex 537	Twist and other drills, taps and dies, punchers and dies, reamers and cutters in one piece	1,200,000 francs
Ex 537	Circular saws (with non-replaceable teeth) for working metals when hot; circular saws for wood, endless band saws; hand and machine saws, files and rasps, rec- tangular scrapers, etc.; foundry tools (hooks, ladles and polishers); scrapers for machinists; vises of all kinds, screw chucks, saw sets, pawls, breast-drills, hand-drills (without adjustable wrenches with wooden handles, monkey wrenches and others); other non-cutting tools; other cutting tools (except pitchforks and hooks)	2, 800
<i>Note:</i> The French Government will en- deavor to maintain the annual supple- mentary quota at the figure of 2800 quintals, but reserves the right to reduce it to 2596 quintals if unforeseen circum- stances should make this reduction necessary.		
572 bis E	Unspecified tools of copper	25
579 bis I	Manufactures of aluminum: Other articles	200
Ex 614 ter A	Passenger automobiles:  Cars with bodies, complete or not Bodies and parts of bodies, fitted or not	  3, 331 3, 419
<i>Note to 614 ter A:</i> As long as the quantities available for the Belgian quota will per- mit, the French Government undertakes to give the benefit to importations from the United States of such quantities granted for all of the products under No. 614 ter A.		
Ex 614 ter B	Automobile parts and accessories under quota	3, 000
620 R	Rubber manufactures: Other manufactures	600
Ex 634 qua- ter A	Direct reading or registering apparatus for measuring pressures of gas, etc., and their separate parts	40

## LISTE III—Continuée

Numéros du tarif français	Désignation des produits	Contingents annuels supplémentaires (en quintaux sauf indication contraire)
525 B	Marteaux ou outils pneumatiques	200
ex 525 ter B	Machines à écrire et leurs pièces détachées	200
527 bis	Appareils frigorifiques	278
ex 537	Forets hélicoïdaux (mèches américaines) et autres, tarauds, coussinets de filières, poinçons, matrices, alésoirs et fraises en une pièce	1. 200. 000 Frs.
ex 537	Scies circulaires à dents non rapportées pour le travail à chaud des métaux; scies circulaires à bois; à ruban sans fin, à découper; scies à main et pour machines; limes et râpes; racles rectangulaires, etc.; outils de fonderie (crochets, cuillers et lissoirs), grattoirs pour mécaniciens; étaux de tous genres, cages de filières, tourne-à-gauche, cliquets, vilebrequins, porte-forets (sans les clés de serrage à molette, manche bois, anglaises et autres); autres outils non coupants; autres outils coupants (sans les fourches et crocs)	2. 800
	<i>Note:</i> Le Gouvernement français s'efforcera de maintenir le contingent supplémentaire annuel au chiffre de 2.800 quintaux, mais se réserve le droit de le réduire à 2.596 quintaux si des circonstances imprévues rendent cette réduction nécessaire.	
572 bis E	Outils non dénommés en cuivre	25
579 bis I	Ouvrages en aluminium:	
	Autres objets	200
ex 614 ter A	Voitures automobiles pour le transport des personnes:	
	Voitures carrossées, complètes ou non	3. 331
	Carrosseries et parties de carrosseries garnies ou non	3. 419
	<i>Note ad No. 614 ter A:</i> Aussi longtemps que les quantités disponibles sur le contingent belge le permettront, le Gouvernement français s'engage à faire bénéficier l'importation des États-Unis des quantités accordées pour l'ensemble des marchandises au No. 614 ter A.	
ex 614 ter B	Pièces détachées d'automobiles et accessoires contingentés	3. 000
620 R	Ouvrages en caoutchouc:	
	Autres ouvrages	600
ex 634 quater A	Appareils à lecture directe ou enregistreurs, pour la mesure des pressions des gaz, etc., et leurs pièces détachées	40

## SCHEDULE IV

NOTE: The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined in so far as may be practicable as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of articles enumerated in this Schedule, which are subject on the day of the signature of this Agreement to additional or separate ordinary customs duties, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duties shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
18	Trichloroethylene	15% ad val.
24	Flavoring extracts, and natural or synthetic fruit flavors, fruit esters, oils and essences, all the foregoing and their combinations, containing 20 per centum of alcohol or less	15¢ per lb. and 18% ad val.
31 (a) (2)	Cellulose acetate, and compounds, combinations, or mixtures containing cellulose acetate: Made into finished or partly finished articles of which any of the foregoing is the component material of chief value, and not specially provided for	40% ad val.
41	Glue size and fish glue, not specially provided for, valued at less than 40 cents per pound	1¢ per lb. and 15% ad val.
42	Glycerin, crude	0.8¢ per lb.
58	Oils, distilled or essential: Clove, patchouli, sandalwood, and all other essential and distilled oils not specially provided for, not containing alcohol	12½% ad val.
60	Perfume materials: All mixtures or combinations containing essential or distilled oils, or natural or synthetic odoriferous or aromatic substances, not containing more than 10 per centum of alcohol	40¢ per lb. and 30% ad val.
61	Perfumery, including cologne and other toilet waters, articles or perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, tooth soaps, pastes, theatrical grease paints, pomades, powders, and other toilet preparations, all the foregoing:	
	If containing alcohol	40¢ per lb. and 37½% ad val.
	If not containing alcohol	37½% ad val.
62	Floral or flower waters containing no alcohol, not specially provided for	10% ad val.
72	Lead pigments: Orange mineral	2.5¢ per lb.
73	Ochers, washed or ground	¼¢ per lb.
92	Vanilla beans	15¢ per lb.
205(b)	White nonstaining Portland cement	6¢ per 100 lbs. including weight of container
205(e)	Statues, statuettes, and bas-reliefs, wholly or in chief value of plaster of Paris, not specially provided for	30% ad val.



## LISTE IV

NOTE: Les dispositions de cette liste devront être interprétées, et recevront le même effet, et l'application des dispositions collatérales des lois douanières des Etats-Unis aux dispositions de cette liste seront déterminées autant qu'il sera possible de le faire comme si chaque disposition de cette liste était incluse respectivement dans les dispositions statutaires indiquées dans la colonne placée à la gauche des descriptions respectives des articles.

Pour ceux des articles énumérés dans cette liste, qui sont sujets le jour de la signature du présent accord à des droits de douane ordinaires, additionnels, ou séparés, qu'ils soient ou non imposés conformément aux dispositions statutaires inscrites dans la colonne à la gauche de la description respective de l'article, de tels droits de douanes séparés ou additionnels resteront en vigueur, soumis à toute réduction indiquée dans la présente liste ou ci-après établie, jusqu'à ce qu'il y soit mis fin par la loi, mais ne devront pas être augmentés.

Tarif des Etats-Unis Loi de 1930 Paragraphe	Désignation des produits	Droits
18	Trichloréthylène	15% ad val.
24	Extraits aromatiques et extraits naturels ou synthétiques, éthers, huiles, et essences de fruits, tous ceux-ci et leurs mélanges, contenant 20% ou moins d'alcool	15 c. par livre et 18% ad val.
31 (a) (2)	Acétate de cellulose et compositions, combinaisons ou mélanges contenant de l'acétate de cellulose: ouvrés en articles finis ou partiellement finis dans lesquels l'un quelconque des produits ci-dessus constitue la matière de principale valeur et non spécialement dénommés	40% ad val.
41	Gélatine et colle de poisson non spécialement dénommées, évaluées à moins de 40 c. par livre	1 c. par livre et 15% ad val.
42	Glycérine brute	0,8 c. par livre
58	Huiles distillées ou essentielles: de clous de girofle, de patchouli, de bois de santal, et toutes autres huiles essentielles ou distillées non spécialement dénommées et ne contenant pas d'alcool	12½% ad val.
60	Matières premières de parfumerie: tous mélanges ou combinaisons contenant des huiles essentielles ou distillées, ou des substances odoriférantes ou aromatiques naturelles ou synthétiques, ne contenant pas plus de 10% d'alcool	40 c. par livre et 30% ad val.
61	Parfumeries, y compris l'eau de Cologne et autres eaux de toilette, articles de parfumerie, en sachets ou autrement conditionnés, et toutes préparations pour les cheveux, la bouche, les dents ou la peau, telles que cosmétiques, dentifrices, savons pour les dents, pâtes, fards gras pour le théâtre, pommades, poudres et autres préparations de toilette, tous les articles ci-dessus: Contenant de l'alcool Ne contenant pas d'alcool	40 c. par livre et 37¼% ad val. 37¼% ad val.
62	Eaux de fleurs ne contenant pas d'alcool, non spécialement dénommées	10% ad val.
72	Couleurs de plomb: orange minéral	2,5 c. par livre
73	Ocres lavées ou broyées	¼ c. par livre
92	Gousses de vanille	15 c. par livre
205(b)	Ciment de Portland, blanc, ne colorant pas	6 c. par 100 livres, y compris le poids du récipient
205(e)	Statues, statuettes et bas-reliefs entièrement en plâtre de Paris, ou dont le plâtre de Paris constitue la matière de principale valeur, non spécialement dénommés	30% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
213	Graphite or plumbago, crude or refined: Crystalline flake	30% ad val. but not less than 0.825¢ per lb. nor more than 1.65¢ per lb.
216	Carbons and electrodes, of whatever material composed, and wholly or partly manufactured, for producing electric arc light: If less than one-half inch in diameter or of equivalent cross-sectional area	40% ad val.
	If one-half inch or more in diameter or of equivalent cross-sectional area	30% ad val.
216	Electrodes, composed wholly or in part of carbon or graphite, and wholly or partly manufactured, for electric furnace or electrolytic purposes	30% ad val.
216	Articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for	30% ad val.
218 (e)	Bottles and jars, wholly or in chief value of glass, of the character used or designed to be used as containers of perfume, talcum powder, toilet water, or other toilet preparations, when filled with any of such preparations and produced otherwise than by automatic machine	37½% ad val.
228 (a)	Prism binoculars, having a magnification of five diameters or less, and valued at not more than \$12 each, frames and mountings therefor, and parts of any of the foregoing; all the foregoing, finished or unfinished	45% ad val.
228 (b)	Opera or field glasses (not prism binoculars), frames and mountings therefor, and parts of any of the foregoing; all of the foregoing, finished or unfinished, not specially provided for	35% ad val.
236	Round watch crystals or round watch glasses, finished or unfinished	30% ad val.
327	Cast-iron pipe of every description, and cast-iron fittings for cast-iron pipe	15% ad val.
385	Bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn	6¢ per lb. and 20% ad val.
385	Beltings and other articles made wholly or in chief value of tinsel wire, metal thread, lame or lahn, or of tinsel wire, lame or lahn and india rubber, bullions, or metal threads, not specially provided for	30% ad val.
385	Woven fabrics, ribbons, and tassels, made wholly or in chief value of any of the materials provided for in paragraph 385	40% ad val.
710	Roquefort cheese in original loaves	5¢ per lb. but not less than 25% ad val.
710	Blue-mold cheese in original loaves	5¢ per lb. but not less than 25% ad val.

## LISTE IV—Continuée

Tarif des Etats-Unis Loi de 1930 Paragraphe	Désignation des produits	Droits
213	Graphite ou plombagine, brut ou raffiné: écaillés cristallines	30% ad val. mais pas moins de 0,825 c. par livre, ni plus de 1,65 c. par livre
216	Charbons et électrodes de quelque matière qu'ils soient composés, entièrement ou partiellement manufacturés pour lampes à arc:	
	-d'un diamètre inférieur à ½ pouce ou d'une surface de section équivalente	40% ad val.
	-d'un diamètre égal ou supérieur à ½ pouce ou d'une surface de section équivalente	30% ad val.
216	Electrodes composés entièrement ou parti- ellement de charbon ou de graphite, et entièrement ou partiellement manufac- turés pour fourneaux électriques ou usages électrolytiques	30% ad val.
216	Articles ou objets composés entièrement ou partiellement de charbon ou de graphite, entièrement ou partiellement manufac- turés, non spécialement dénommés	30% ad val.
218 (e)	Bouteilles et pots, entièrement en verre ou dont de verre est la matière de principale valeur, propres ou destinés à servir de re- cipients pour parfums, poudre de talc, eaux de toilette, ou autres préparations de toilette, lorsqu'ils contiennent l'une quelconque des dites préparations et manufacturés au- trement qu'au moyen d'une machine auto- matique	37½% ad val.
228 (a)	Binoculaires prismatiques, ayant un grossisse- ment de 5 diamètres ou moins, et d'une va- leur n'excédant pas \$12 chacun, et leurs montures; et pièces détachées; tous les ar- ticles ci-dessus finis ou non finis	45% ad val.
228 (b)	Jumelles d'opéra et de campagne (non pris- matiques), leurs montures et pièces dé- tachées; tous les articles ci-dessus, finis ou non finis, non spécialement dénommés	35% ad val.
236	Verres ou cristaux ronds pour montres, finis ou non	30% ad val.
327	Tuyaux en fonte de tous genres et accessoires en fonte pour tuyaux en fonte	15% ad val.
385	Bouillons et fils métalliques composés entière- ment de cannetille ou de lamelles, ou dans lesquels ces articles constituent l'élément de principale valeur	6 c. par livre et 20% ad val.
385	Ceintures et autres articles, entièrement en cannetille, fils métalliques ou lamelles, ou dans lesquelles ces matières constituent l'élément de principale valeur, ou en can- netille, lamelles et caoutchouc, bouillons ou fils métalliques, non spécialement dénom- més	30% ad val.
385	Tissus, rubans et glands, fabriqués entière- ment avec les articles mentionnés au Par. 385, ou dans lesquels ces articles constituent l'élément de principale valeur	40% ad val.
710	Roquefort dans sa forme originale	5 c. par livre mais pas moins de 25% ad val.
710	Fromages persillés dans leur forme originale	5 c. par livre mais pas moins de 25% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
737(4)	Cherries: Maraschino, candied, crystallized, or glace, or prepared or preserved in any manner	9½¢ per lb. and 20% ad val.
752	Candied, crystallized, or glace apricots, figs, dates, peaches, pears, plums, prunes, prun- elles, berries and other fruits not specially provided for	25% ad val.
756	Chestnuts (including marrons), candied, crys- tallized, or glace, or prepared or preserved in any manner	12½¢ per lb.
763	Red clover seeds	5¢ per lb.
764	Celery seeds	2¢ per lb.
768	Mushrooms, prepared or preserved, other than dried	8¢ per lb. on drained weight and 25% ad val.
802	Brandy	\$2.50 per proof gal.
802	Cordials, liqueurs, kirschwasser, and ratafia	\$2.50 per proof gal.
803	Champagne and all other sparkling wines	\$3 per gal.
804	Still wines produced from grapes (not including vermouth), containing 14 per centum or less of absolute alcohol by volume, in containers holding each one gallon or less	75¢ per gal.
804	Vermuth, in containers holding each one gallon or less	62½¢ per gal.
902	Crochet, darning, embroidery, and knitting cottons, put up for handwork, in lengths not exceeding eight hundred and forty yards	¾¢ per 100 yds. but not less than 20% nor more than 35% ad val.
909	Pile ribbons, not exceeding twelve inches in width, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton, if velveteens or velvets	50% ad val.
1012	Pile fabrics, whether or not the pile covers the entire surface, wholly or in chief value of vegetable fiber, except cotton, and all articles, finished or unfinished, made or cut from such pile fabrics; if the pile is wholly cut or wholly uncut	30% ad val.
1107	Yarn, wholly or in chief value of angora rab- bit hair	40¢ per lb. and 25% ad val.
1114 (a)	Knit fabric, in the piece, wholly or in chief value of wool, valued at more than \$1 per pound	50¢ per lb. and 40% ad val.
1114 (d)	Hats, bonnets, caps, berets, and similar arti- cles, knit or crocheted, finished or unfin- ished, wholly or in chief value of wool and not in part of wool felt, not specially pro- vided for, valued at not more than \$2 per pound	44¢ per lb. and 30% ad val.
1205	Woven fabrics in the piece, with fibers wholly of silk, bleached, dyed, colored, or printed, whether or not exceeding 30 inches in width, whether woven with fast or split edges, and whether or not Jacquard-figured, valued at more than \$5.50 per pound	45% ad val.

## LISTE IV—Continuée

Tarif des Etats-Unis Loi de 1930 Paragraphe	Désignation des produits	Droits
737(4)	Cerises: Au marasquin, confites cristallisées ou glacées, ou préparées ou conservées de toute manière	9½ c. par livre et 20% ad val.
752	Abricots, figues, dattes, pêches, poires, prunes, pruneaux et prunelles, baies et autres fruits, non spécialement dénommés, confits, cristallisés ou glacés	25% ad val.
756	Châtaignes (y compris les marrons) confites, cristallisées ou glacées ou préparées ou conservées de toute manière	12½ c. par livre
763	Semences de trèfle rouge	5 c. par livre
764	Semences de céleris	2 c. par livre
768	Champignons préparés ou conservés, autres que secs	8 c. par livre de champignons égouttés et 25% ad val.
802	"Brandy" (Cognac et autres)	\$2,50 par gallon de preuve
802	Cordiaux, liqueurs, Kirsch et ratafia	\$2,50 par gallon de preuve
803	Champagne et tous autres vins mousseux	\$3,00 par gallon
804	Vins tranquilles provenant de raisins (non compris le vermouth) ne contenant pas plus de 14% d'alcool absolu, dans des récipients contenant chacun un gallon ou moins	75¢ par gallon
804	Vermouth, dans des récipients contenant chacun un gallon ou moins	62½¢ par gallon
902	Fils de coton à faire du crochet, à repriser, à broder et à tricoter, conditionnés pour le travail à la main, n'ayant pas plus de 840 yards de longueur	½¢ par 100 yards, mais pas moins de 20% ad val. ni plus de 35% ad val.
909	Rubans de peluches, n'excédant pas douze pouces de largeur, rasés ou non, que la boucle recouvre toute la surface du tissu ou non, entièrement en coton ou dont le coton constitue le matière de principale valeur: velours et veloutines seulement	50% ad val.
1012	Tissus pelucheux, entièrement en fibres végétales autres que le coton, ou dans lesquels ces fibres constituent la matière de principale valeur, que la boucle recouvre toute la surface du tissu ou non, et articles finis ou non de toute sorte, fabriqués avec ou découpés dans ces tissus pelucheux, si le poil est entièrement rasé ou pas rasé	30% ad val.
1107	Filés, entièrement en poils de lapin angora, ou dans lesquels le poil de lapin angora constitue la matière de principale valeur	40¢ par livre et 25% ad val.
1114 (a)	Tricotés laine en pièces, entièrement en laine ou dont la laine constitue la matière de principale valeur, évalués par livre à plus de \$1	50¢ par livre et 40% ad val.
1114 (d)	Chapeaux, bonnets, casquettes, bérets, et articles similaires, tricotés ou au crochet, finis ou non, entièrement en laine ou dont la laine constitue la matière de principale valeur, et non partiellement en feutre de laine, non spécialement dénommés, évalués par livre à \$2 au plus	44¢ par livre et 30% ad val.
1205	Tissus en pièces, entièrement en soie, blanchis, teints, de couleur ou imprimés, qu'ils aient plus de 30 pouces ou moins de 30 pouces de largeur, tissés ou non avec bordures dites "fast edges" ou "split edges", et qu'ils soient ou non façonnés au métier Jacquard, évalués à plus de \$5.50 par livre	45% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1206	Pile fabrics (including pile ribbons), whether or not the pile covers the entire surface, wholly or in chief value of silk, and all articles, finished or unfinished, made or cut from such pile fabrics: (1) If the pile is wholly cut or wholly uncut, if velvets (other than ribbons) or other than velvets (2) If the pile is partly cut, if velvets (other than ribbons) or other than velvets (3) Velvet ribbons	50% ad val. 50% ad val. 50% ad val.
1207	Fabrics, with fast edges, not exceeding twelve inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; all the foregoing wholly or in chief value of silk or of silk and india rubber, and not specially provided for, whether or not Jacquard-figured	45% ad val.
1306	Woven fabrics in the piece, wholly or in chief value of rayon or other synthetic textile, not specially provided for, whether or not Jacquard-figured	45¢ per lb. and 45% ad val.
1307	Pile fabrics (including pile ribbons), whether or not the pile covers the entire surface, wholly or in chief value of rayon or other synthetic textile, and all articles, finished or unfinished, made or cut from such pile fabrics, whether the pile is wholly cut, wholly uncut, or partly cut	25¢ per lb. and 50% ad val.
1308	Fabrics, with fast edges, not exceeding twelve inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; all the foregoing wholly or in chief value of rayon or other synthetic textile, or of rayon or other synthetic textile and india rubber, not specially provided for, whether or not Jacquard-figured	45¢ per lb. and 45% ad val.
1407 (b)	Papeteries	30% ad val.
1504 (b) (3)	Hats, bonnets, and hoods, composed wholly or in chief value of straw, chip, paper, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, ramie, or manila hemp, whether wholly or partly manufactured: Blocked or trimmed (whether or not bleached, dyed, colored, or stained)	\$3.50 per doz. and 25% ad val.
1518	Feathers and downs, on the skin or otherwise, dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down	40% ad val.
1518	Feather dusters	40% ad val.
1518	Artificial or ornamental feathers suitable for use as millinery ornaments	40% ad val.

## LISTE IV—Continuée

Tarif des Etats-Unis Loi de 1930 Paragraphe	Désignation des produits	Droits
1206	Tissus pelucheux (y compris les rubans de peluche), que la boucle recouvre ou non toute la surface du tissu, entièrement en soie ou dont la soie constitue la matière de principale valeur, et tous articles, finis ou non, fabriqués ou coupés de ces tissus: (1) Si le poil est entièrement rasé ou non rasé: Velours (autres que les rubans) ou autres que velours (2) Si le poil est partiellement rasé: Velours (autres que les rubans) ou autres que velours (3) Rubans de velours	50% ad val. 50% ad val. 50% ad val. 45% ad val.
1207	Tissus avec bordures dites "fast edges", n'ayant pas plus de 12 pouces de largeur, et articles de ces tissus: tuyaux, jarretières, jarretelles, bretelles, cordons, glands et cordons avec glands; tous ces articles entièrement en soie ou en soie et caoutchouc, ou dans lesquels ces matières constituent l'élément de principale valeur, non spécialement dénommés, qu'ils soient ou non façonnés au métier Jacquard	45% ad val.
1306	Tissus en pièces, entièrement en rayonne ou autre textile synthétique, ou dont la rayonne ou autre textile synthétique constitue la matière de principale valeur, non spécialement dénommés, qu'ils soient ou non façonnés au métier Jacquard	45¢ par livre et 45% ad val.
1307	Tissus pelucheux (y compris les rubans de peluche), que la boucle recouvre ou non toute la surface du tissu, en rayonne ou autre textile synthétique, ou dont la rayonne ou autre textile synthétique constitue la matière de principale valeur, et tous les articles, finis ou non, fabriqués ou coupés dans ces tissus, que le poil soit entièrement rasé, non rasé, ou partiellement rasé	25¢ par livre et 50% ad val.
1308	Tissus avec bordure dite "fast edges", n'ayant pas plus de 12 pouces de largeur, et articles en ces tissus: tuyaux, jarretières, jarretelles, bretelles, cordons, glands et cordons avec glands; tous ces articles entièrement en rayonne ou autre textile synthétique, ou en rayonne ou autre textile synthétique et caoutchouc, ou dont l'une de ces matières constitue l'élément de principale valeur, non spécialement dénommés, qu'ils soient ou non façonnés au métier Jacquard	45¢ par livre et 45% ad val.
1407 (b)	Papeterie	30% ad val.
1504 (b) (3)	Chapeaux, bonnets et coiffures, composés entièrement en paille, copeaux, papier, herbe, feuille de palmier, saule, osier, rotin, crin naturel, écorce de Cuba, ramie ou chanvre de Manille, entièrement ou partiellement confectionnés: Conformés ou garnis, blanchis, teints, colorés ou teintés	\$3,50 par douz. et 25% ad val.
1518	Plumes et duvet en peaux ou autrement préparés, colorés ou autrement ouvrés, de toute manière, y compris les couvre-pieds et autres articles en duvet	40% ad val.
1518	Plumeaux	40% ad val.
1518	Plumes artificielles ou de parure pour articles de mode	40% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1527 (a)	Jewelry, commonly or commercially so known, finished or unfinished (including parts thereof): (1) Composed wholly or in chief value of gold or platinum, or of which the metal part is wholly or in chief value of gold or platinum	60% ad val.
	(2) All other, of whatever material composed, valued above \$5 per dozen pieces <i>Provided</i> , That none of the foregoing shall be subject to a less amount of duty than would be payable if the article were not dutiable under this provision.	¾¢ each and ¾¢ per doz. for each 1¢ the value exceeds 20¢ per doz., and 25% ad val.
1527 (c)	Articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, card-cases, chains, cigar cases, cigar cutters, cigar holders, cigar lighters, cigarette cases, cigarette holders, coin holders, collar, cuff and dress buttons, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, watch bracelets, and like articles; all the foregoing and parts thereof, finished or unfinished:	
	(1) Composed wholly or in chief value of gold or platinum, or of which the metal part is wholly or in chief value of gold or platinum	60% ad val.
	(2) Composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of this subparagraph) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls, and valued above \$5 per dozen pieces	¾¢ each and ¾¢ per doz. for each 1¢ the value exceeds 20¢ per doz. and 25% ad val.
1529 (a)	Laces, lace fabrics, and lace articles, made with independent beams on the Levers or go-through lace machine of 12 point or finer, (full gauge), wholly or in chief value of cotton, whether or not embroidered, and however described and provided for in paragraph 1529 (a)	60% ad val.



## LISTE IV—Continuée

Tarif des  
Etats-Unis  
Loi de 1930  
Paragraphe

## Désignation des produits

## Droits

1527 (a)	<p>Articles habituellement ou commercialement connus sous le nom de bijouterie, finis ou non (y compris leurs pièces détachées):</p> <p>(1) Composés entièrement en or ou platine, ou dont l'or ou le platine constitue l'élément de principale valeur, ou dont la partie métallique est composée entièrement en or ou platine ou dont l'or ou le platine constitue l'élément de principale valeur</p> <p>(2) Tous autres, quelle que soit leur matière, évalués à plus de \$5 par douzaine de pièces</p> <p><i>Remarque, aucun de ces articles ne pourra être frappé d'un droit inférieur à celui dont il serait passible s'il n'était pas taxable d'après ce numéro.</i></p>	<p>60% ad val.</p> <p><math>\frac{3}{4}</math> c. par pièce et <math>\frac{3}{4}</math> c. par douzaine pour chaque 1 c. excédant la valeur de 20 c. par douzaine, et 25% ad val.</p>
1527 (c)	<p>Articles évalués à plus de 20 cents la douzaine destinés à être portés ou à servir de parure, tels que boucles, porte-cartes, chaînes, étuis à cigares, coupe-cigares, fume-cigares, allumeurs pour cigares, étuis à cigarettes, fume-cigarettes, porte-argent, boutons de col, de manchettes et de vêtements, peignes, boîtes à allumettes, sacs et bourses en mailles, ornements pour articles de modes, pour effets militaires et pour les cheveux, épingles, boîtes à poudre de riz, boîtes à timbres-poste, nécessaires de toilette, bracelets-montres, et articles similaires, tous ces objets et leurs parties achevés entièrement ou partiellement:</p> <p>(1) Composés entièrement en or ou platine, ou dont l'or ou le platine constitue la matière de principale valeur, ou dont les parties métalliques sont entièrement en or ou platine, ou dont ces matières constituent l'élément de principale valeur</p> <p>(2) Composés entièrement en métal autre que l'or ou le platine, ou dont cet autre métal constitue la matière de principale valeur (qu'ils soient ou non émaillés, lavés, recouverts ou plaqués, y compris le doublé d'or), ou (si le métal ne constitue pas la matière de principale valeur et s'ils ne sont pas taxables d'après l'alinéa (1) ci-dessus), garnis de pierres précieuses ou demi-précieuses, de perles, de camées, de corail, d'ambre ou d'imitations de pierres précieuses ou de perles, ou dont ces matières constituent l'élément de principale valeur, et évalués à plus de \$5 par douzaine de pièces</p>	<p>60% ad val.</p> <p><math>\frac{3}{4}</math> c. par pièce et <math>\frac{3}{4}</math> c. par douzaine pour chaque 1 c. excédant la valeur de 20 c. par douzaine, et 25% ad val.</p>
1529 (a)	<p>Dentelles, tissus dentelles et articles en dentelles de 12 points ou plus fines, faits sur machines à barres indépendantes "Levers" ou "go-through", si ces articles sont du même nombre de points que la machine sur laquelle ils sont faits, entièrement en coton ou dont le coton représente l'élément de principale valeur, qu'elles soient brodées ou non et de quelque façon qu'elles soient désignées et dénommées au paragraphe 1529 (a)</p>	<p>60% ad val.</p>

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1529 (a)	Laces, lace fabrics, and lace articles, made on the bobbinet-Jacquard machine, whether or not embroidered, and however described and provided for in paragraph 1529 (a)	50% ad val.
1529 (a)	Laces, lace fabrics, and lace articles, except veils and veilings, made on the Levers or go-through lace machine, wholly or in chief value of silk, whether or not embroidered, and however described and provided for in paragraph 1529 (a)	65% ad val.
1529 (a)	Nets and nettings made on the bobbinet machine, wholly or in chief value of silk, or of rayon or other synthetic textile, not embroidered	65% ad val.
1529 (a)	Veils and veilings made on any lace or net machine, wholly or in chief value of silk, or of rayon or other synthetic textile, whether or not embroidered	65% ad val.
1529 (a)	Articles of wearing apparel, finished or unfinished, wholly or in chief value of cotton or silk, however provided for in paragraph 1529 (a), in whole or in part of machine-made lace, or embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliqued, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the open-work, not including one row of straight hemstitching adjoining the hem	75% ad val.
<p><i>Provided, That this provision shall not apply to any article provided for in Schedule II of any trade agreement heretofore entered into by the United States under the authority of section 350 of the Tariff Act of 1930, as amended, or to any article specifically provided for in another provision of this Schedule.</i></p>		
1529 (a)	Hose and half-hose, wholly or in chief value of cotton, embroidered with clocking not exceeding 1 inch in width and 6 inches in length exclusive of the fork, or otherwise embroidered	60% ad val.
1529 (a)	Corsets, girdle-corsets, step-in-corsets, brassieres, bandeaux-brassieres; corsets, girdle-corsets, or step-in-corsets, attached to brassieres or bandeaux-brassieres; all similar body-supporting garments; all wearing apparel or articles to which any of the foregoing is attached; all of the foregoing, finished or unfinished, provided for in paragraph 1529 (a)	75% ad val.

## LISTE IV—Continuée

Tarif des Etats-Unis Loi de 1930 Paragraphe	Désignation des produits	Droits
1529 (a)	Dentelles, tissus dentelles et articles en dentelles faites sur machines bobbin-Jacquard, qu'elles soient brodées ou non, et de quelque façon qu'elles soient désignées et dénommées au paragraphe 1529 (a)	50% ad val.
1529 (a)	Dentelles, tissus dentelles et articles en dentelles, excepté les voiles et voilettes, faites sur machines "Levers" ou "go-through", entièrement en soie ou dont la soie représente l'élément de principale valeur, qu'elles soient ou non brodées et de quelque façon qu'elles soient désignées et dénommées au paragraphe 1529 (a)	65% ad val.
1529 (a)	Filets et ouvrages en filet faits sur machines bobbin, entièrement en soie ou dont la soie représente l'élément de principale valeur, ou en rayonne ou autre textile synthétique, non brodés	65% ad val.
1529 (a)	Voiles et voilettes faits sur n'importe quelle machine à dentelle ou à filet, entièrement en soie ou dont la soie représente l'élément de principale valeur, ou en rayonne ou autre textile synthétique, brodés ou non	65% ad val.
1529 (a)	Vêtements, finis ou non, entièrement en coton ou en soie ou dont le coton ou la soie représente l'élément de principale valeur, de quelque façon qu'ils soient dénommés au paragraphe 1529(a), composés entièrement ou en partie de dentelles mécaniques, ou brodés (que la broderie soit festonnée ou non), avec broderies au tambour, applications, ornés de perles, conteries ou paillettes, ou dans lesquels certains fils ont été supprimés, retirés, enlevés à l'emporte-pièces, ou coupés, et avec fils introduits après le tissage pour achever ou embellir le travail à jour, non compris un ourlet à jour en ligne droite le long de l'ourlet	75% ad val.
	<i>Remarque, cette disposition ne s'appliquera à aucun article dénommé dans la liste II d'un accord commercial quelconque antérieurement conclu par les Etats-Unis en vertu de l'article 350 de la loi tarifaire de 1930, modifiée, ni à aucun article spécifiquement dénommé dans une autre disposition de la présente liste.</i>	
1529 (a)	Bas et chaussettes entièrement en coton ou dont le coton est l'élément de principale valeur, brodés avec baguette ne dépassant pas 1 pouce en largeur et 6 pouces en longueur, la fourche non comprise, ou brodés autrement	60% ad val.
1529 (a)	Corsets, corsets-ceintures, corsets-fourreaux, brassières, bandeaux-brassières; corsets, corsets-ceintures ou corsets-fourreaux attachés à des brassières ou bandeaux-brassières; tous vêtements similaires soutenant le corps; tous vêtements ou articles auxquels l'un des articles ci-dessus dénommés est rattaché; tous les articles précédents, finis ou non, dénommés au paragraphe 1529 (a)	75% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1529 (c)	Corsets, girdle-corsets, step-in-corsets, brassieres, bandeaux-brassieres; corsets, girdle-corsets, or step-in-corsets, attached to brassieres or bandeaux-brassieres; all similar body-supporting garments; all the foregoing, of whatever material composed, finished or unfinished, and all wearing apparel or articles to which any of the foregoing is attached	50% ad val.
	All the foregoing composed in whole or in part of elastic fabric	55% ad val.
	No wearing apparel or article so attached to such body-supporting garment shall be subject to a less rate of duty than if imported separately.	
1529 (c)	Elastic fabrics of whatever material composed, knit, woven, or braided, in part of india rubber	40% ad val.
1530 (c)	Chamois leather in the rough, in the white, crust, or russet, partly finished, or finished, not imported to be used in the manufacture of boots, shoes, or footwear, nor cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	20% ad val.
1532 (a)	Women's and children's gloves, wholly or in chief value of leather, whether wholly or partly manufactured, when seamed by hand, but not lined, and not trimmed with fur, not over 12 inches in length	\$4 per doz. prs. plus \$3.50 additional per doz. prs.
	and for each inch or fraction thereof in excess of 12 inches	25¢ per doz. prs.
	<i>Provided</i> , That all the foregoing shall be dutiable at not less than	35% ad val.
1541 (a)	Wood-wind musical instruments and parts thereof, not specially provided for	30% ad val.
1544	Rosaries, chaplets, and similar articles of religious devotion, any of the foregoing if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones	30% ad val.
1547 (b)	Paintings in oil, mineral, water, or other colors, pastels, and drawings and sketches in pen and ink, pencil, or water color, any of the foregoing (whether or not works of art) suitable as designs for use in the manufacture of textiles, floor coverings, wall paper, or wall coverings	10% ad val.
1552	Tobacco pipes, wholly finished, having bowls wholly or in chief value of brier-wood, valued at less than \$1.20 per dozen	2½¢ each and 40% ad val.
1552	Cigarette books, cigarette-book covers, cigarette paper in all forms, except cork paper	45% ad val.

## LISTE IV—Continuée

Tarif des Etats-Unis Loi de 1930 Paragraphe	Désignation des produits	Droits
1529 (c)	Corsets, corsets-ceintures, corsets-fourreaux, brassières, bandeaux-brassières; corsets, corsets-ceintures ou corsets-fourreaux attachés à des brassières ou bandeaux-brassières; tous vêtements similaires soutenant le corps; tous les articles ci-dessus, quelle que soit la matière dont ils sont composés, finis ou non, et tous vêtements ou articles auxquels l'un des articles ci-dessus dénommés est rattaché	50% ad val.
	Tous les articles ci-dessus dénommés composés en tout ou en partie de tissus élastiques	55% ad val.
	Aucun des vêtements ou articles ainsi rattachés auxdits vêtements de soutien ne sera passible d'un droit inférieur à celui qu'il acquitterait s'il était importé séparément.	
1529 (c)	Tissus élastiques, quelle que soit la matière qui les compose, tricotés, tissés ou tressés, partiellement en caoutchouc	40% ad val.
1530 (c)	Peaux de chamois brutes, en blanc, en croûtes ou au naturel, partiellement traitées ou traitées, non importées pour la fabrication des bottines ou souliers, ni coupées ni entièrement ou partiellement manufacturées en empeignes, ou autres formes propres à la fabrication des bottines ou souliers	20% ad val.
1532 (a)	Gants pour femmes et enfants, entièrement en cuir ou dont le cuir est l'élément de principale valeur, entièrement ou partiellement manufacturés, si cousus à la main, mais non doublés et non garnis de fourrure, ne dépassant pas 12 pouces de longueur et par pouce ou fraction de pouce dépassant 12 pouces	\$4 par douzaine de paires plus \$3,50 additionnels par douzaine de paires
	<i>Remarque</i> , tous les articles ci-dessus ne seront pas taxés à moins de	25 c. par douzaine de paires
1541 (a)	Instruments de musique à vent en bois et pièces détachées non spécialement dénommés	35% ad val.
1544	Rosaires, chapelets et articles religieux similaires, lorsque faits entièrement ou en partie d'or, d'argent, de platine, plaqués d'or, plaqués d'argent ou faits de pierres précieuses ou de pierres-imitation	30% ad val.
1547 (b)	Peintures à l'huile, aux couleurs minérales, aux couleurs à l'eau ou autres couleurs, pastels, et dessins et esquisses à la plume, au crayon ou à l'aquarelle, tous les articles ci-dessus (qu'ils soient ou non des oeuvres d'art) propres à être employés comme dessins à la fabrication des textiles, des tapis, papiers de tenture, ou couvertures murales	10% ad val.
1552	Pipes entièrement finies, avec fourneaux en broyeur ou dont la broyeur est l'élément de principale valeur, évaluées à moins de \$1.20 par douzaine	2½ c. la pièce et 40% ad val.
1552	Cahiers de papier à cigarettes, couvertures pour cahiers de papier à cigarettes, papier à cigarettes sous toutes ses formes, excepté le papier de liège	45% ad val.

# PROTOCOL OF SIGNATURE      PROTOCOLE DE SIGNATURE

At the time of signing this Agreement, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have agreed to the following provisions:

Au moment de signer le présent accord, les Plénipotentiaires soussignés, dûment autorisés par leurs Gouvernements respectifs, ont convenu des dispositions suivantes:

- Ante*, p. 2238.      (1) For the application of Article I, paragraphs 1, 5 and 6:      (1) Pour l'application de l'article 1<sup>er</sup>, paragraphes 1, 5 et 6:
- Ante*, p. 2260.      (a) The admission to the benefit of the minimum tariff of the products enumerated and described in Section B of Schedule I in the amounts specified in the said Section shall be subject to the condition that the shipments be accompanied by special certificates delivered by the French Minister of Merchant Marine as concerns pilchards (No. 47) and by the Office of Chemical and Pharmaceutical Products for the other articles (Nos. 028, 0114 and 0114-bis) and subject to charge against the annual quotas.      (a) L'admission au bénéfice du tarif minimum des produits énumérés et décrits dans la liste I, partie B, à concurrence des quantités spécifiées dans ladite liste sera subordonnée à la condition que les envois soient accompagnés d'attestations spéciales délivrées par le Ministère français de la Marine Marchande en ce qui concerne les pilchards (No. 47) et par l'Office des Produits Chimiques et Pharmaceutiques pour les autres articles (Nos. 028, 0114 et 0114 bis) et valant imputation sur les contingents annuels.
- Ante*, p. 2260.      (b) The provisions of paragraphs 5 and 6 of Article I shall apply to fresh apples and pears originating in and coming from the United States and imported into the territory of the French Republic. However, the provisions of paragraph 6 of Article I do not prevent the license taxes applicable to the fruit in question at the date of signature of this Agreement from being increased by 50% from July 1 to October 31 for fresh pears, and from July 1 to November 30 for fresh apples.      (b) Les dispositions des paragraphes 5 et 6 de l'article 1<sup>er</sup> s'appliqueront aux pommes et poires fraîches originaires et en provenance des Etats-Unis et importées sur le territoire de la République française. Cependant, les dispositions du paragraphe 6 de l'article 1<sup>er</sup> ne s'opposeront pas à ce que, du 1<sup>er</sup> juillet au 31 octobre pour les poires fraîches, et du 1<sup>er</sup> juillet au 30 novembre pour les pommes fraîches, les taxes de licences applicables à ces fruits, à la date de la signature du présent accord soient majorées de 50%.
- Ante*, p. 2244.      (2) Referring to paragraph 5 of Article VI, the French Government declares that except for the products enumerated and described in Schedule I all importations of products originating in and coming from the United States will enjoy the benefit of the min-      (2) Se référant au paragraphe 5 de l'article VI, le Gouvernement français déclare que, sauf en ce qui concerne les produits énumérés et décrits à la liste I, toutes les importations de produits originaires et en provenance des Etats-Unis bénéficieront des

imum rates of the French tariff at present in force or which may hereafter be established.

taux du tarif minimum français actuellement en vigueur ou qui pourraient être établis ultérieurement.

(3) It is understood that application of the French minimum tariff is, in principle, dependent upon direct importation. However, the French Government agrees that the products originating in the United States or its territories or possessions may, without losing the benefit of the French minimum tariff, be shipped through a third country, provided that the products of that country are entitled to the benefit of the French minimum tariff. The French Government also agrees that products originating in any third country entitled to the benefit of the French minimum tariff and transhipped via the United States may be imported into France without losing the benefit of the minimum tariff, provided that similar products originating in the United States benefit from the minimum tariff.

(3) Il est entendu que l'application du tarif minimum français est, en principe, subordonnée à l'importation directe. Toutefois, le Gouvernement français admet que les produits originaires des Etats-Unis ou de leurs territoires et possessions puissent, sans perdre le bénéfice du tarif minimum français, emprunter la voie d'un pays tiers si les produits du dit pays bénéficient du tarif minimum français. Le Gouvernement français admet également que les produits originaires d'un pays tiers bénéficiant du tarif minimum français et transitant par les Etats-Unis puissent être importés en France sans perdre le bénéfice du tarif minimum, à condition que les produits similaires originaires des Etats-Unis bénéficient du tarif minimum.

(4) The French Government, at the beginning of each quarter, will inform the American Embassy at Paris, at the time of publication of the global quotas or any change therein, of the share in each of these quotas which shall be allocated to the United States. The Government of the United States will take analogous measures if and when quantitative restrictions are established in the United States.

(4) Le Gouvernement français fera connaître au début de chaque trimestre à l'Ambassade des Etats-Unis à Paris, lors de la publication des contingents globaux ou des modifications y apportées, la part qui reviendra aux Etats-Unis dans chacun de ces contingents. Le Gouvernement des Etats-Unis prendra des mesures analogues au cas où des restrictions quantitatives seraient établies aux Etats-Unis.

(5) The Government of each country will, whenever possible, give consideration to requests which may be presented to it by the other Government with respect to the carrying over to the current quarter of unused por-

(5) Le Gouvernement de chacun des deux pays accueillera, toutes les fois qu'il sera possible, les demandes qui lui seraient présentées par l'autre Gouvernement en vue du report sur le trimestre en cours de la part non utilisée

tions of industrial quotas of the preceding quarter. The seasonal character of certain imports will be taken into account in the allocation of quotas by periods.

(6) The French Government will consider favorably, whenever possible, any requests transmitted by the Government of the United States with a view to confiding administration of certain industrial quotas allotted to the United States to qualified American organizations. The provisions of this paragraph shall not apply to provisional quotas.

(7) The Government of each of the two countries shall voluntarily facilitate, so far as lies within its province, the full utilization of the quotas at present allotted to or which may be allotted hereafter to the other country.

(8) Whenever French customs statistics show that a quota allotted to the United States is exhausted, the French authorities will notify the Embassy of the United States at Paris, before suspending the importation of the goods in question. The notice informing importers of the exhaustion of a quota shall not be published until after the expiration of 10 days from the date of the notification in order to enable the Government of the United States of America to put forward, if need be, any statistical information which might justify a modification of the decision to suspend importations. Should it be recognized that the quota has in fact been exhausted, any excess imports which have taken place shall be charged against the quota for the following period.

des contingents industriels du trimestre précédent. Il sera tenu compte, pour la répartition périodique des contingents, du caractère saisonnier de certaines importations.

(6) Le Gouvernement français examinera favorablement, chaque fois qu'il sera possible, les demandes qui lui seraient présentées par le Gouvernement des Etats-Unis en vue d'obtenir que la gestion de certains contingents industriels accordés aux Etats-Unis soit confiée à des organisations américaines qualifiées. Les dispositions du présent paragraphe ne s'appliqueront pas aux contingents interlocutoires.

(7) Le Gouvernement de chacun des deux pays facilitera volontiers, pour autant que cela dépendra de lui, la pleine utilisation des contingents actuellement attribués ou qui seraient susceptibles de l'être ultérieurement à l'autre pays.

(8) Chaque fois qu'il résultera des statistiques douanières françaises qu'un contingent accordé aux Etats-Unis est épuisé, les autorités françaises en aviseront l'Ambassade des Etats-Unis à Paris avant de suspendre l'importation des produits en question. L'avis informant les importateurs de l'épuisement du contingent ne sera pas publié avant l'expiration d'une période de 10 jours à partir de la date de notification, de façon à permettre au Gouvernement des Etats-Unis de présenter, si besoin est, les informations statistiques susceptibles de justifier une modification de la décision suspendant les importations. S'il est reconnu qu'en fait le contingent est épuisé, tout dépassement effectué sera déduit du contingent de la période suivante.



(9) Without prejudice to any other provisions of this Agreement, it is agreed that in the event the French Government should establish a quantitative restriction on the importation of any industrial product, there will be allotted to the United States a provisional quota corresponding to the importations of such product from the United States during the previous year, in order to permit conversations between representatives of the interested industries, with the object of reaching an understanding, acceptable to the two Governments, on the definitive bases for calculating the quota to be allotted to the United States. If such an understanding is not reached, or does not receive the approval of the French Government, the latter reserves the right to determine the bases for calculating the global quota but will accord to the United States the proportional share provided for in accordance with the provisions of paragraph 1 of Article VI of this Agreement.

(10) The French Government agrees that the quota fixed for an American product not provided for in Schedule III, shall not be reduced to a figure less than 10% of the total importations of that product during the last year in which the importation of the said product was not subject to restrictions, when the importation of the American product in question during the year cited has been equal to or greater than this percentage of 10%. When it shall have been less than 10% of the total importations the quota will be fixed in accordance with the importations of the American product in the year indicated. As concerns products subjected to

(9) Sans préjudice des autres dispositions du dit accord, il est convenu qu'au cas où le Gouvernement français établirait une restriction quantitative relative à l'importation d'un produit industriel quelconque, il sera accordé aux Etats-Unis un contingent interlocutoire correspondant aux importations de ce produit effectuées par les Etats-Unis pendant l'année précédente, afin de permettre, entre représentants des industries intéressées, des conversations ayant pour objet une entente acceptable pour les deux Gouvernements sur les bases définitives de calcul des contingents susceptibles d'être accordés aux Etats-Unis. Si cette entente n'est pas réalisée ou ne recueille pas l'approbation du Gouvernement français, celui-ci se réserve le droit de fixer les bases de calcul du contingent global en accordant aux Etats-Unis la part proportionnelle prévue conformément aux dispositions du paragraphe 1 de l'article 6 du présent accord.

*Ande, p. 2244.*

(10) Le Gouvernement français accepte que le contingent fixé pour un produit américain non repris à la liste III ne soit pas ramené à un chiffre inférieur à 10% des importations totales de ce produit pendant la dernière année où l'importation du dit produit n'était pas soumise à des restrictions, lorsque son importation des Etats-Unis aura, pendant l'année en question, été égale ou supérieure à ce pourcentage de 10%. Lorsqu'elle aura été inférieure à 10% des importations totales, le contingent sera fixé d'après les importations de ce produit des Etats-Unis pendant la dite année. En ce qui concerne les produits soumis au contingentement avant le 1<sup>er</sup> janvier

*Ande, p. 2264.*

the quota system before January 1934, l'année considérée sera l'année 1934, the year taken into consideration will be the year 1931. Les dispositions du présent alinéa ne s'appliquent pas aux contingents afférents aux produits agricoles et aux produits de la pêche.

The provisions of the present paragraph do not apply to the quotas relating to agricultural products and fisheries products.

(11) In conformity with the assurance which has been given to it by the Service of Industrial Exploitation of Tobacco, the French Government is enabled to guarantee that the purchases of American leaf tobacco which will be effected in the United States by that Service during the course of the 1936 season will be not less than 48,568,000 francs in value and not less than 9,300,000 kilograms in weight.

(11) Conformément à l'assurance qui lui a été donnée par le Service d'Exploitation Industrielle des Tabacs, le Gouvernement français est en mesure de garantir que les achats de tabacs en feuilles qui seront effectués aux Etats-Unis par ce Service au cours de la campagne 1936 ne seront pas inférieurs à 48.568.000 francs en valeur et à 9.300.000 kg. en poids.

In the event that in subsequent years the Government of the United States is not given a similar guarantee, the provisions of paragraph 3 of Article XI will apply.

Au cas où, dans les années suivantes, une garantie similaire ne serait pas donnée au Gouvernement des Etats-Unis, les dispositions du paragraphe 3 de l'Article XI seraient applicables.

(12) With respect to apples and pears, the Government of the French Republic will allocate to the United States, beginning with the third quarter of 1936, in addition to the quantities now allocated to the United States in accordance with the provisions of paragraph 1 of Article VI, an annual supplementary quota of 134,355 quintals which shall be distributed seasonally as follows:

(12) En ce qui concerne les pommes et poires fraîches, le Gouvernement de la République française allouera aux Etats-Unis, à partir du troisième trimestre de 1936, en plus des quantités qui sont maintenant allouées aux Etats-Unis en vertu des dispositions du paragraphe 1 de l'article VI de l'accord, un contingent supplémentaire annuel de 134.355 quintaux qui sera saisonnièrement réparti comme suit:

	<i>Quintals</i>		<i>Quintaux</i>
Third quarter	674	Troisième trimestre	674
Fourth quarter	30, 095	Quatrième trimestre	30. 095
First quarter	65, 297	Premier trimestre	65. 297
Second quarter	38, 289	Deuxième trimestre	38. 289
<i>Proportion of Annual Supplementary Quota</i>		<i>Proportion du Contingent Annuel Supplémentaire</i>	
Third quarter	0. 5%	Troisième trimestre	0, 5%
Fourth quarter	22. 4%	Quatrième trimestre	22, 4%
First quarter	48. 6%	Premier trimestre	48, 6%
Second quarter	28. 5%	Deuxième trimestre	28, 5%

*Ante, p. 2250.*

*Ante, p. 2244.*

When the conditions of French apple and pear production require, the above-mentioned supplementary quota for any quarter may be reduced by not more than 60% of the quantity above specified but the amount thus deducted shall be added to the supplementary quotas for subsequent quarters prior to the end of the following crop year, which begins October first, and shall be distributed in the same seasonal proportions as the above-mentioned supplementary quotas, unless some other distribution is mutually agreed to. Subject to agreement between the two Governments, the supplementary quota for any quarter may be increased and the supplementary quotas for subsequent quarters may be reduced by the amount of such increase.

Si les conditions de la récolte française de pommes et poires le nécessitent, les contingents supplémentaires mentionnés ci-dessus pourront être réduits jusqu'à concurrence de 60% des quantités spécifiées, mais les quantités ainsi déduites seront ajoutées aux contingents supplémentaires des trimestres suivants avant l'expiration de la campagne suivante, laquelle commence le premier octobre. Elles seront réparties selon les mêmes proportions saisonnières que les contingents supplémentaires susmentionnés à moins qu'une autre répartition n'ait été décidée d'un commun accord. Sous réserve d'accord entre les deux Gouvernements, le contingent supplémentaire de l'un quelconque des trimestres pourra être augmenté et les contingents supplémentaires des trimestres suivants pourront être réduits du montant de l'excédent ainsi créé.

(13) In conformity with the assurance given during the course of the negotiations the French Government is enabled to confirm that the following percentages will be accorded against the global quota for oranges originating in and coming from the United States:

3rd quarter	8. 59%
4th quarter	1. 65%
1st quarter	0. 29%
2nd quarter	0. 16%

(13) Conformément à l'assurance donnée au cours des négociations, le Gouvernement français est en mesure de confirmer que les pourcentages suivants seront accordés, sur le contingent global, aux oranges originaires et en provenance des Etats-Unis:

3ème trimestre	8, 59%
4ème trimestre	1, 65%
1er trimestre	0, 29%
2ème trimestre	0, 16%

(14) In conformity with Article XV of this Agreement, goods originating in and coming from the Philippine Islands shall benefit from all the tariff advantages provided for in the said Agreement in all French colonies and possessions. Nevertheless, upon their importation into French Indochina, molasses (item No. 92 of

(14) Conformément à l'article XV du présent accord, les marchandises originaires et en provenance des Iles Philippines bénéficieront de tous les avantages tarifaires prévus audit accord dans toutes les colonies et possessions françaises. Néanmoins, à leur importation en Indochine française, les mélasses (No. 92 du tarif in-

the Indochinese tariff) and in- dochinois) et les sirops et sucres  
vert syrups and sugars (item No. intervertis (No. 93 du tarif indo-  
93 of the Indochinese tariff), chinois) originaires et en prove-  
originating in and coming from nance des Iles Philippines, demeu-  
the Philippine Islands, will con- reront soumis aux droits du tarif  
tinue to be subject to the general général.  
tariff rates.

On the other hand, upon impor- D'autre part, à l'importation  
tation into French Indochina the en Indochine française, les droits  
general tariff rates will be re- du tarif général seront réduits de  
duced by 50% for bottled beer and 50% pour les bières en bouteilles  
by 20% for beer in barrels (item et de 20% pour les bières en fûts  
No. 172-ter of the Indochinese (No. 172<sup>ter</sup> du tarif indochinois)  
tariff) originating in and com- originaires et en provenance des  
ing from the Philippine Islands. Iles Philippines.

In case the minimum tariff ap- Au cas où le tarif minimum ap-  
plicable in French Indochina to plicable en Indochine française aux  
beer in barrels or in bottles should bières en fûts ou en bouteilles  
be modified, the provisions of viendrait à être modifié, les dis-  
paragraph 2 of Article XV of positions du paragraphe 2 de l'ar-  
this Agreement shall apply to ticle XV du présent accord s'appli-  
such products originating in the queront auxdits produits origi-  
Philippine Islands on their im- naires des Iles Philippines à leur  
portation into French Indochina. importation en Indochine.

*Ante, p. 2254.*

CORDELL HULL

ANDRÉ LEFEBVRE DE LA BOULAYE

Requisites to carry  
out Agreement.

WHEREAS such modifications of existing duties and other import  
restrictions and such continuances of existing customs and excise  
treatment as are set forth and provided for in the said Agreement and  
the four Schedules thereunto annexed are required and appropriate  
to carry out the said Agreement;

Provisional and de-  
finitive dates.  
*Ante, p. 2256.*

WHEREAS it is provided in Article XVII of the said Agreement  
that the Agreement shall come provisionally into force on June 15,  
1936, and shall come definitively into force on the day on which the  
Government of the French Republic shall have informed the Govern-  
ment of the United States of America of its ratification of the said  
Agreement by the President of the French Republic and the Govern-  
ment of the United States of America shall have communicated  
officially to the Government of the French Republic the proclamation  
of the said Agreement by the President of the United States of  
America;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt,  
President of the United States of America, acting under the authority  
conferred by the said Tariff Act of 1930, as amended by the said Act  
of June 12, 1934, do hereby proclaim the said Agreement, including  
the said Schedules, with notes, and the said Protocol, to the end that  
the same and all parts thereof may be observed and fulfilled with  
good faith by the United States of America and the citizens thereof  
on and after June 15, 1936, provisionally, and definitively on and

48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, §§ 1351, 1352  
(c).

from the day on which the Government of the French Republic shall have informed the Government of the United States of America of the ratification of the Agreement by the President of the French Republic and the Government of the United States of America shall have communicated officially to the Government of the French Republic the proclamation of the Agreement by the President of the United States of America.

PURSUANT to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties herein proclaimed is to be suspended.

48 Stat. 942.  
19 U. S. C. § 1351;  
Supp. IV, § 1361.

NOTHING in this proclamation shall be construed to increase any existing rate of duty.

No increase in existing rate of duty.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of May in the year of our Lord one thousand nine hundred and thirty-six,  
[SEAL] and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## RELATED NOTES

*The Secretary of State (Hull) to the French Ambassador (De Laboulaye)*

DEPARTMENT OF STATE

WASHINGTON

May 6, 1936

EXCELLENCY:

With reference to the second paragraph of Article II of the Trade Agreement signed this day on behalf of the United States of America and the French Republic, I have the honor to advise Your Excellency that, pursuant to the understanding reached in the course of the negotiations of the said Agreement, I will recommend that the Congress of the United States of America be requested at its next session to take appropriate legislative action to remove the discriminatory tax provided for in Section 601 (c) (5) of the Revenue Act of 1932, with respect to coal, coke manufactured therefrom, or coal or coke briquettes originating in French Indochina or any other territory under the sovereignty of France.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

ANDRÉ DE LABOULAYE,

*Ambassador of France.*

*The Secretary of State (Hull) to the French Ambassador (De Laboulaye)*DEPARTMENT OF STATE  
WASHINGTON

May 6, 1936

## EXCELLENCY:

During the course of the negotiations which have resulted in the conclusion of the Trade Agreement signed as of today's date between the United States of America and the French Republic, it has been indicated that most-favored-nation treatment is now accorded by the United States to products originating in Tunisia, Morocco, the states of the Levant under French mandate and the African territories of Togoland and the Cameroon under French mandate.

The Government of the United States of America declares that it is in conformity with its policy to continue to accord most-favored-nation treatment to the commerce of the countries or territories referred to above so long as they do not subject the commerce of the United States to discriminatory treatment.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency  
ANDRÉ DE LABOULAYE,  
*Ambassador of France.*

*Agreement, protocol, notes, and protocol of amendment between the United States of America and Czechoslovakia respecting reciprocal trade. Agreement, protocol, and notes signed at Washington March 7, 1938; protocol of amendment signed at Washington April 15, 1938; agreement, protocol, and notes proclaimed by the President of the United States March 15, 1938; protocol of amendment proclaimed by the President of the United States April 15, 1938; agreement, protocol, notes, and protocol of amendment applied provisionally on and after April 16, 1938. And proclamation of March 23, 1939 by the President of the United States terminating on April 22, 1939 his proclamations of March 15, 1938, and April 15, 1938.*

<sup>March 7, April 15, 1938</sup>  
[E. A. S. No. 147]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Reciprocal trade  
agreement with  
Czechoslovakia.

48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

Statutory provi-  
sions.

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign

trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: Provided, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

Promotion of foreign trade.

48 Stat. 943; 50 Stat. 24.  
19 U. S. C. § 1351; Supp. IV, § 1352 (c).

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the Czechoslovak Republic are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a foreign trade agreement between the United States of America and the Czechoslovak Republic;

Notice given.

WHEREAS reasonable public notice of the intention to negotiate such foreign trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

Trade agreement entered into.

Post, pp. 2310, 2320.

Post, p. 2332.

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a foreign Trade Agreement on March 7, 1938, through my duly empowered Plenipotentiary, with the President of the Czechoslovak Republic, through his duly empowered Plenipotentiary, which Agreement, including two Schedules annexed thereto, and an accompanying Protocol, in the English and Czechoslovak languages, is in words and figures as follows:

Purposes declared.

The President of the United States of America and the President of the Czechoslovak Republic, being desirous of strengthening the traditional bonds of friendship between the two countries by maintaining the principle of equality of treatment as the basis of commercial relations and by grant-

President Spojených Států Amerických a president republiky Československé, přejíce si posílit tradiční přátelské svazky mezi oběma státy udržováním zásady stejného zacházení jakožto základu obchodních styků a poskytováním vzájemných ústupků a výhod k zvelebení obchodu, dohodli se



ing mutual and reciprocal concessions and advantages for the promotion of trade, have through their respective Plenipotentiaries arrived at the following Agreement:

## ARTICLE I

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Section A of Schedule I annexed to this Agreement and made a part thereof, shall, on their importation into the Czechoslovak Republic, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Section. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the Czechoslovak Republic in force on the day of the signature of this Agreement.

With respect to articles enumerated and described in Section B of Schedule I for which import quotas are specified in the said Section, the quantities of such articles the growth, produce or manufacture of the United States of America which shall be permitted to be imported annually into the customs territory of the Czechoslovak Republic, beginning with the day on which this Agreement comes into force, shall not be less than those specified in the said Section.

## ARTICLE II

Articles the growth, produce or manufacture of the Czechoslovak Republic, enumerated and described in Schedule II annexed

svými příslušnými plnomocníky na této dohodě:

## ČLÁNEK I

Zboží, plodiny nebo výrobky Spojených Států Amerických, vyjmenované a popsané v části A seznamu I, který je připojen k této dohodě a tvoří její část, nebudou při dovozu do republiky Československé podléhati vyšším obyčejným cům než těm, jež jsou uvedena a stanovena ve zmíněné části. Zmíněné zboží nebude rovněž podléhati jiným vyšším cům, daním, poplatkům, dávkám nebo přirážkám, jež jsou ukládány buď při dovozu nebo v souvislosti s ním, než těm, jež jsou v platnosti v den podpisu této dohody nebo jež budou napříště uloženy podle zákonů republiky Československé, platných v den podpisu této dohody.

Pokud jde o zboží, vyjmenované a popsané v části B seznamu I, pro něž jsou v uvedené části stanoveny dovozní kontingenty, nebude množství zboží, plodin nebo výrobků Spojených Států Amerických, jejichž dovoz do československého celního území bude ode dne vstoupení v platnost této dohody ročně povolen, nižší než ono množství, jež jest stanoveno v uvedené části.

## ČLÁNEK II

Zboží, plodiny nebo výrobky republiky Československé, vyjmenované a popsané v seznamu II, který je připojen k této do-

Enumerated imports into Czechoslovak Republic.

Post, p. 2310.

Post, p. 2320.

Specified imports from Czechoslovak Republic.

Post, p. 2320.

No excess duties,  
etc.

to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

hodě a tvoří její část, nebudou při dovozu do Spojených Států Amerických podléhati vyšším obyčejným clům než těm, jež jsou uvedena a stanovena ve zmíněném seznamu. Zmíněné zboží nebude rovněž podléhati jiným vyšším clům, daním, poplatkům, dávkám nebo přirážkám, jež jsou ukládány buď při dovozu nebo v souvislosti s ním, než těm, jež jsou v platnosti v den podpisu této dohody nebo jež budou napříště uloženy podle zákonů Spojených Států Amerických, platných v den podpisu této dohody.

#### ARTICLE III

#### ČLÁNEK III

Charge equivalent  
to internal tax.

The provisions of Articles I and II of this Agreement shall not prevent the Government of either country from imposing at any time on or in connection with the importation of any product a charge equivalent to an internal tax imposed in respect of a like domestic product or in respect of a commodity from which the imported product has been manufactured or produced in whole or in part.

Ustanovení článku I a II této dohody nebudou na závalu vládě jednoho z obou států, aby na dovoz nebo v souvislosti s dovozem jakéhokoli zboží uvalila kdykoli dávku rovnající se vnitřní dani, vybírané ze stejného domácího zboží nebo z výrobků a plodin, ze kterých dovezené zboží bylo zcela nebo z části zhotoveno nebo vyrobeno.

#### ARTICLE IV

#### ČLÁNEK IV

Notes, etc., included  
in schedules, effect of.

Post, pp. 2310, 2320.

The United States of America and the Czechoslovak Republic agree that the notes and provisions included in Schedules I and II annexed to this Agreement and in the accompanying Protocol are hereby given force and effect as integral parts of this Agreement.

Spojené Státy Americké a republika Československá se dohodly, že poznámky a ustanovení, obsažené v seznamech I a II, připojených k této dohodě, a v připojeném Protokolu tvoří platnou a nedílnou část této dohody.

#### ARTICLE V

#### ČLÁNEK V

Internal taxes, etc.,  
restriction on discrimination.

Articles the growth, produce or manufacture of the United States of America or of the Czechoslovak Republic, shall, after importation into the other country, be exempt from all internal taxes, fees,

Zboží, plodiny nebo výrobky Spojených Států Amerických nebo republiky Československé nebudou po dovozu do druhého státu podléhati žádným jiným nebo vyšším vnitřním daním, poplat-

charges or exactions other or kům, dávkám nebo přírážkám než higher than those payable on tém, jimž podléhá stejné zboží like articles of national origin or domácého původu nebo jakého- any other foreign origin. koli jiného cizího původu.

## ARTICLE VI

## ČLÁNEK VI

In respect of articles the growth, produce or manufacture of the United States of America or of the Czechoslovak Republic enumerated and described in Schedules I and II, respectively, imported into the other country, on which ad valorem rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, it is understood and agreed that the bases and methods of determining dutiable value and of converting currencies shall be no less favorable to importers than the bases and methods prescribed under laws and regulations of the Czechoslovak Republic and the United States of America, respectively, in force on the day of the signature of this Agreement.

Je shoda v tom, že základ a způsob pro stanovení celní hodnoty a pro přepočítání měn, pokud jde o zboží, plodiny nebo výrobky Spojených Států Amerických, nebo republiky Československé vyjmenované a popsané v příslušných seznamech I a II, z nichž jsou vybírána nebo by mohla být vybírána při dovozu do druhého státu cla podle hodnoty nebo cla zakládající se na hodnotě nebo podle hodnoty jakkoliv upravená, nebude méně příznivý pro dovozce než je základ a způsob předepsaný příslušnými zákony a nařízeními republiky Československé a Spojených Států Amerických platnými v den podpisu této dohody.

Ad valorem duties.  
Determination, etc.,  
of value.

Post, pp. 2310, 2320.

## ARTICLE VII

## ČLÁNEK VII

Except as otherwise provided in this Agreement, no prohibitions, import or customs quotas, or any other form of limitation of the amount of imports, whether or not operated in connection with any agency of centralized control, shall be imposed by the Czechoslovak Republic on the importation or sale of any article the growth, produce or manufacture of the United States of America enumerated and described in Section A of Schedule I, or by the United States of America on the importation or sale of any article the growth, produce or manufacture of the Czechoslovak Republic, enumerated and described in Schedule II.

Pokud není v této dohodě jinak stanoveno, nebudou zavedeny republikou Československou na dovoz nebo prodej jakéhokoli zboží, plodin nebo výrobků Spojených Států Amerických, vyjmenovaných a popsanych v části A seznamu I, nebo Spojenými Státy Americkými na dovoz nebo prodej jakéhokoli zboží, plodin nebo výrobků republiky Československé, vyjmenovaných a popsanych v seznamu II, žádné zákazy, dovozní nebo celní kontingenty nebo jakýkoli jiný způsob omezení dovozu co do množství, nehledě k tomu jsou-li nebo nejsou-li prováděny jakýmkoli orgánem ústřední správy.

No quantitative  
limitation.

Post, p. 2310.

Post, p. 2320.

## Exceptions.

The foregoing provision shall not apply to quantitative restrictions in whatever form imposed by the United States of America or by the Czechoslovak Republic on the importation or sale of any article the growth, produce or manufacture of the other country, in conjunction with governmental measures operating to regulate or control the production, market supply or prices of like domestic articles, or tending to increase the labor costs of production of such articles. The Government of the country imposing any such restriction will give sympathetic consideration to any representations which the Government of the other country may make in regard thereto and will consult promptly with the Government of such other country with respect to the subject matter of such representations; and if an agreement with respect thereto is not reached within thirty days following the receipt of written representations, the Government making them shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on thirty days' written notice.

Consideration of representations respecting restrictions.

Right of termination.

Předchozí ustanovení se nevztahuje na omezení co do množství jakýmkoli způsobem zavedené Spojenými Státy Americkými nebo republikou Československou na dovoz nebo prodej jakéhokoli zboží, plodin nebo výrobků druhého státu podle vládních opatření k úpravě a kontrole výroby, k zásobování trhu nebo cen stejného domácího zboží nebo ke zvýšení pracovních mezd při výrobě takového zboží. Vláda státu, která zavede jakékoli omezení tohoto druhu, bude blahovonně zkoumatí námitky, jež vláda druhého státu by mohla proti nim vznést a zahájí neprodleně jednání s vládou tohoto druhého státu o předmětu takových námitek; nedojde-li k dohodě o této věci do třiceti dnů po přijetí písemných námitek, může vláda, která je vznesla, vypovědět celou tuto dohodu se třicetidenní písemnou výpovědí do patnácti dnů po uplynutí shora zmíněné třicetidenní lhůty.

## ARTICLE VIII

## ČLÁNEK VIII

Benefits where lower rate imposed on portion of imports.

1. If the United States of America or the Czechoslovak Republic establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other country has an interest, or imposes a lower import duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess

1/ Kdyby Spojené Státy Americké nebo republika Československá zavedly neb udržovaly jakýkoli způsob omezení co do množství nebo kontroly dovozu nebo prodeje jakéhokoli zboží, na němž má druhý stát zájem nebo kdyby zavedly na dovoz nebo prodej určitého množství takového zboží nižší dovozní clo nebo dávku, než je clo nebo dávka na dovoz převyšující takové množství, vláda

of such quantity, the Government of the country taking such action shall:

(a) Upon request inform the Government of the other country as to the total quantity, or any change therein, of any such article permitted to be imported or sold or permitted to be imported or sold at such lower duty or charge, during a specified period; and

(b) Allot to the other country for such specified period a share of such total quantity as originally established or subsequently changed in any manner equivalent to the proportion of the total importation of such article which such other country supplied during a previous representative period, unless it is mutually agreed to dispense with such allotment.

a/ na požádání uvědomiti vládu druhého státu o celkovém množství zboží, nebo o změnách tohoto množství, povoleného v určitém období k dovozu nebo prodeji, nebo k dovozu nebo prodeji za snížené clo nebo dávku; a

b/ přiděliti druhému státu pro toto určité období podíl z takového celkového množství původně stanoveného nebo později nějak změněného, který se rovná poměru celkového dovozu takového zboží, dodaného druhým státem v dřívějším reprezentativním období, leč by bylo vzájemně dohodnuto, že se upouští od takového přidělu.

2. Except as otherwise provided for in this Agreement, neither the United States of America nor the Czechoslovak Republic shall regulate the total quantity of importations into its territory or sales therein of any article in which the other country has an interest, by import licenses or permits issued to individuals or organizations, unless the total quantity of such article permitted to be imported or sold, during a quota period of not less than three months, shall have been established. The Government of each country will, upon request, inform the Government of the other country of the total quantity of any such article permitted to be imported and of the regulations covering the issuance of such licenses or permits.

3. In the event that the Government of either country shall make representations concerning

2/ Není-li jinak stanoveno v této dohodě, nebudou ani Spojené Státy Americké ani republika Československá dovozními licencemi nebo povoleními, vydávanými jednotlivcům nebo organizacím, upravovati celkové množství dovozeného do svého území nebo k prodeji v něm jakéhokoli zboží, na němž má druhý stát zájem, aniž by bylo stanoveno celkové množství takového zboží, jehož dovoz nebo prodej je dovolen nejméně v tříměsíčním kontingentním období. Vláda každého z obou států na požádání uvědomí druhou vládu o celkovém množství takového zboží, povoleného k dovozu a o předpisech o vydávání těchto licencí nebo povolení.

Import licenses, etc.

Information respecting restrictions.

3/ Vznese-li vláda jednoho z obou států námítky do provádění ustanovení tohoto článku vládou druhého

Representations concerning application of Article.

the application by the Government of the other country of the provisions of this Article, the Government of such other country shall give sympathetic consideration to such representations, and if, within thirty days after the receipt of such representations, a satisfactory adjustment has not been made or an agreement has not been reached with respect thereto, the Government making them may, within fifteen days after the expiration of the aforesaid period of thirty days, terminate this Agreement in its entirety on thirty days' written notice.

státu, vláda tohoto druhého státu bude takové námitky blahovlnně zkoumati a nedojde-li k uspokojivému řešení nebo k dohodě o tom do třiceti dnů po přijetí těchto námitek, může vláda, která je vznesla, vypovědět tuto celou dohodu se třicetidenní písemnou výpovědí do patnácti dnů po uplynutí shora zmíněné třicetidenní lhůty.

#### ARTICLE IX

#### ČLÁNEK IX

Foreign purchases of Government monopolies.

1. In the event that the United States of America or the Czechoslovak Republic establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or agency will be influenced solely by competitive considerations such as price, quality, marketability and terms of sale.

1. Zavedou-li nebo udržují-li Spojené Státy Americké nebo republika Československá monopol pro dovoz, výrobu nebo prodej určitého zboží nebo poskytnou-li výlučné výsady, formálně nebo skutečně, pro dovoz, výrobu nebo prodej určitého zboží jednomu nebo více jednatelstvím, dává vláda státu, která zavádí nebo udržuje takový monopol nebo udílí takové monopolní výsady, souhlas k tomu, že bude slušné a spravedlivě nakládati s obchodem druhého státu, pokud jde o nákupy zmíněného monopolu nebo jednatelství v cizině. Proto bylo dohodnuto, že takový monopol nebo jednatelství budou se řídit při svých nákupech jakéhokoli výrobku v cizině výhradně ohledem na soutěživost jako na cenu, jakost, odbytovou schopnost a prodejní podmínky.

Awarding of contracts for public works, etc.

2. It is agreed that each Government, in the awarding of contracts for public works and generally in the purchase of supplies

2. Je shoda v tom, že při zadávání dodávek pro veřejné práce a všeobecně při nákupu potřeb žádána z obou vlád nebude druhý stát

shall not discriminate against the other country in favor of any third country.

diskriminovati ve prospěch které-  
hokoli státu třetího.

## ARTICLE X

## ČLÁNEK X

In the event that the United States of America or the Czechoslovak Republic establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

Zavedou-li nebo udržují-li Spojené Státy Americké nebo republika Československá přímo nebo nepřímou, jakoukoli formu kontroly mezinárodních platů, nebudou při provádění této kontroly:

Control of means of  
international pay-  
ment.

(a) Impose no prohibition, condition, restriction, or delay on the transfer of payment for imported articles the growth, produce or manufacture of the other country, or on the transfer of payments necessary for and incidental to the importation of such articles;

a/ ukládati zákazy, podmínky, omezení neb odklady na převod platů za dovezené zboží, plodiny nebo výrobky druhého státu nebo na převod platů nutných pro dovoz tohoto zboží nebo souvisejících s ním;

Transfer of pay-  
ments for imports.

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce or manufacture of any third country; and

b/ pokud jde o devisové kursy a daně nebo poplatky za převody devis při platech za dovoz zboží, plodin nebo výrobků druhého státu nebo při platech nutných pro tento dovoz a s ním souvisejících, budou bezpodmínečně přiznávatí nakládání neméně příznivé než jaké se přiznává při dovozu jakéhokoli zboží, plodin nebo výrobků kteréhokoli třetího státu; a

Rates of exchange,  
etc.

(c) Accord unconditionally, with respect to all rules and formalities applying to exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce or manufacture of the other country, treatment no less favorable than that accorded in connection with the importation of the like articles the growth, produce or manufacture of any third country.

c/ pokud jde o veškeré předpisy a formality týkající se převodu devis při platech za dovoz zboží, plodin nebo výrobků druhého státu nebo při platech nutných pro tento dovoz a s ním souvisejících, budou bezpodmínečně přiznávatí nakládání neméně příznivé než jaké se přiznává při dovozu stejného zboží, plodin nebo výrobků kteréhokoli třetího státu.

Exchange transac-  
tions.

## ARTICLE XI

## ČLÁNEK XI

Extension of advantages, etc., granted a third country.

With respect to customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or by the Czechoslovak Republic to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the Czechoslovak Republic or the United States of America, respectively.

Jakákoli výhoda, přednost, výsada neb osvobození týkající se cel nebo jakýchkoli dávek ukládaných při dovozu nebo vývozu nebo týkající se způsobu vybírání těchto cel nebo dávek nebo týkající se všech dovozních a vývozních pravidel a formalit nebo týkající se všech zákonů a nařízení o prodeji, zdanění nebo spotřebě dováženého zboží uvnitř státu, které byly nebo by napříště mohly býti Spojenými Státy Americkými nebo republikou Československou poskytnuty na kterékoli zboží pocházející z kteréhokoli třetího státu nebo tam určené, budou ihned a bezpodmínečně poskytnuty na stejné zboží pocházející buď z republiky Československé nebo ze Spojených Států Amerických, nebo tam určené.

## ARTICLE XII

## ČLÁNEK XII

Modification where rate of exchange prejudicial.

In the event that the rate of exchange between the currencies of the United States of America and the Czechoslovak Republic varies considerably from the rate obtaining on the day of the signature of this Agreement, the Government of either country, if it considers the change in rate so substantial as to prejudice the industry or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or to terminate this Agreement in its entirety on thirty days' written notice.

Nastane-li mezi měnou Spojených Států Amerických a měnou republiky Československé značná změna devisového kursu proti kursu v den podpisu této dohody, je vláda každého z obou států oprávněna, domnívá-li se, že změna kursu je tak podstatná, že je na újmu výrobě a obchodu státu, navrhnouti jednání ke změně této dohody nebo může vypověděti celou tuto dohodu se třicetidenní písemnou výpovědí.

## ARTICLE XIII

## ČLÁNEK XIII

Errors in documentation.

Greater than nominal penalties will not be imposed in the United

Větší než uznávací pokuty nebudou ukládány ani ve Spojených



States of America or in the Czechoslovak Republic upon importations of articles the growth, produce or manufacture of the other country because of errors in documentation obviously clerical in origin or where good faith can be established.

The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs regulations, quantitative restrictions or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal, or plant life or health.

Státech Amerických ani v republice Československé na dovoz zboží, plodin nebo výrobků druhého státu pro omyly v dokladech vzniklé zřejmě přepsáním nebo kdy lze prokázati dobrou víru.

Vláda každého z obou států bude blahovlnně zkoumati a byla-li požádána poskytne přiměřenou příležitost k poradám o stížnostech, jež by mohla druhá vláda vznést o použití celních předpisů, omezení co do množství a příslušných správních opatření, zachování celních formalit a provádění zdravotních zákonů a nařízení na ochranu života a zdraví lidí, zvířat a rostlin.

Mutual consideration of representations respecting customs, etc.

#### ARTICLE XIV

#### ČLÁNEK XIV

1. Except as otherwise provided in the second paragraph of this Article, the provisions of this Agreement relating to the treatment to be accorded by the United States of America and the Czechoslovak Republic, respectively, to the commerce of the other country, shall not apply to the Philippine Islands, the Virgin Islands, American Samoa, the Island of Guam, or to the Panama Canal Zone.

2. Subject to the reservations set forth in paragraphs 3, 4 and 5 of this Article, the provisions of this Agreement regarding most-favored-nation treatment shall apply to articles the growth, produce or manufacture of any territory under the sovereignty or authority of the United States of America or the Czechoslovak Republic, imported from or exported to any

1. Pokud není ustanoveno jinak ve druhém odstavci tohoto článku, ustanovení této dohody o nakládání s obchodem druhého státu, jež si navzájem přiznávají Spojené Státy Americké a republika Československá, nebudou se vztahovati na ostrovy Filipinské, ostrovy Panenské, americkou Samou, ostrov Guam a pásmo Panamského průplavu.

2. Ustanovení této dohody o nejvyšších výhodách se budou vztahovati, s výjimkou výhrad uvedených ve třetím, čtvrtém a pátém odstavci tohoto článku, na zboží, plodiny nebo výrobky kteréhokoliv území pod svrchovaností nebo pravomocí Spojených Států Amerických nebo republiky Československé, jež je dováženo z kteréhokoliv území pod svrchovaností

Provisions not to apply to Philippine Islands, etc.

Preferential treatment extended to territories, etc., of each other.

Not applicable to  
Canal Zone.

Advantages ex-  
cepted from applica-  
tion of Agreement.

territory under the sovereignty or authority of the other country. It is understood, however, that the provisions of this paragraph do not apply to the Panama Canal Zone.

3. The advantages now accorded or which may hereafter be accorded by the United States of America or the Czechoslovak Republic to adjacent countries in order to facilitate frontier traffic, and advantages resulting from a customs union to which either the United States of America or the Czechoslovak Republic may become a party so long as such advantages are not extended to any other country, shall be excepted from the provisions of this Agreement.

4. The advantages now accorded or which may hereafter be accorded by the Czechoslovak Republic to Austria, Hungary, Yugoslavia, Rumania or Bulgaria for the purpose of closer mutual economic cooperation between the Danubian countries, in respect of those commodities benefiting from special advantages now accorded by the Czechoslovak Republic to such countries, shall be excepted from the provisions of this Agreement. However, in the event that such advantages should have the effect of impairing materially the value of any concession provided for in Schedule I of this Agreement, the Government of the United States of America reserves the right to reopen negotiations with a view to the modification of this Agreement.

5. The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or posses-

3. Z ustanovení této dohody se vylučují výhody již poskytnuté nebo jež by mohly být napříště poskytnuty Spojenými Státy Americkými nebo republikou Československou pohraničním státům, aby se usnadnil pohraniční styk, jakož i výhody vyplývající z celní unie, k níž by buď Spojené Státy Americké nebo republika Československá mohly přistoupiti, a to potud, pokud tyto výhody nebudou rozšířeny na kterýkoli jiný stát.

4. Z ustanovení této dohody se vylučují výhody nyní poskytované nebo jež by mohly být republikou Československou v budoucnosti přiznány Rakousku, Maďarsku, Jugoslavií, Rumunsku nebo Bulharsku za účelem užší vzájemné spolupráce hospodářské mezi podunajskými státy, pokud jde o zboží požívající zvláštních výhod, jež republika Československá nyní poskytuje těmto státům. Kdyby se však v důsledku těchto výhod hodnota kterékoli koncese obsažené v seznamu I této dohody podstatně zmenšila, vláda Spojených Států Amerických vyhrazuje si právo, že zahájí jednání o změnu této dohody.

5. Z ustanovení této dohody se vylučují výhody, jež byly poskytnuty nebo by mohly být napříště poskytnuty Spojenými Státy

sions or the Panama Canal Zone Americkými, jejich územími a to one another or to the Republic of Cuba shall be excepted from the operation of this Agreement. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

državami nebo pásmem Panamského průplavu navzájem nebo republice Kubánské. Ustanovení tohoto odstavce budou platiti, pokud jde o jakékoli výhody nyní nebo v budoucnosti poskytované Spojenými Státy Americkými, jejich územími a državami nebo pásmem Panamského průplavu navzájem bez ohledu na jakoukoli změnu v politickém statu některého z území nebo držav Spojených Států Amerických.

## ARTICLE XV

## ČLÁNEK XV

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, and without prejudice to the provisions of Article IX or of the second paragraph of Article XIII, the provisions of this Agreement shall not extend to prohibitions or restrictions

S výhradou požadavku, že za týchž okolností a podmínek žádný z obou států nebude libovolně diskriminovati druhý stát ve prospěch třetího státu a bez újmy ustanovení článku IX nebo druhého odstavce článku XIII ustanovení této dohody se nebudou vztahovati na zákazy a omezení

Provisions not to extend to specified restrictions.

- (1) relating to public security;
- (2) imposed on moral or humanitarian grounds;
- (3) designed to protect human, animal or plant life or health;
- (4) relating to prison-made goods;
- (5) relating to the enforcement of police or revenue laws and regulations;
- (6) applied to products which, as regards production or trade, are or may in future be subject within the country to State monopoly or to monopolies exercised under State control.

1. týkající se veřejné bezpečnosti,
2. ukládané z důvodů mravnosti a lidskosti,
3. mající za účel ochranu života a zdraví lidí, zvířat a rostlin,
4. týkající se zboží vyrobeného ve věznicích,
5. vztahující se na provádění policejních a důchodových zákonů a předpisů,
6. vztahující se na zboží, jehož výroba nebo obchodování s ním uvnitř státu jsou nebo v budoucnu by se mohly státi předmětem státního monopolu nebo monopolů provozovaných pod státním dohledem.

Gold or silver exportation, etc., restrictions.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition or implements of war, and in exceptional circumstances, all other military supplies. It is agreed, further, that nothing in this Agreement shall be construed to prevent the adoption or enforcement of measures relating to neutrality.

Control of export of arms, etc.

Measures relating to neutrality.

Žádnému ustanovení této dohody nebude dáván takový výklad, který by zabráňoval opatřením, jimiž se zakazuje nebo omezuje vývoz nebo dovoz zlata a stříbra nebo který by zabráňoval opatřením, jež by některá z obou vlád mohla považovati za vhodná se zřetelem na kontrolu vývozu a prodeje pro vývoz zbraní, střeliva, válečných pomocných prostředků nebo za výjimečných poměrů všech válečných potřeb. Je dále shoda v tom, že žádné ustanovení této dohody nebude vykládáno tak, aby se tím znemožnilo přijetí nebo provádění opatření týkajících se neutrality.

#### ARTICLE XVI

#### ČLÁNEK XVI

Adjustment of measures impairing objects of Agreement.

In the event that the United States of America or the Czechoslovak Republic adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government of the country which has adopted any such measure shall consider such representations and proposals as the Government of the other country may make with a view to effecting a mutually satisfactory adjustment of the matter.

Učiní-li Spojené Státy Americké nebo republika Československá nějaké opatření, které, ač není v rozporu s obsahem této dohody, podle názoru vlády druhého státu ruší nebo poškozuje některý účel této dohody, vláda státu, jež takové opatření zavedla, bude zkoumati připomínky a návrhy, jež by vláda druhého státu podala k dosažení vzájemně vyhovujících úprav věci.

#### ARTICLE XVII

#### ČLÁNEK XVII

Designated rights reserved.

The Government of the United States of America and the Government of the Czechoslovak Republic reserve the right to withdraw or to modify the concession granted on any article under this Agreement, or to impose quantitative restrictions on any such

Vláda Spojených Států Amerických a vláda republiky Československé vyhrazují si právo odvolati nebo změnití ústupky poskytnuté touto dohodou na kterékoli zboží nebo uložiti omezení co do množství na kterékoli takové zboží, jestliže rozšířením takových ústup-

article if, as a result of the extension of such concession to third countries, such countries obtain the major benefit of such concession and in consequence thereof an unduly large increase in importations of such article takes place: Provided, That before the Government of either country shall avail itself of the foregoing reservation, it shall give notice in writing to the other Government of its intention to do so, and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposed to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice.

ků na třetí státy tyto státy získají hlavní zisk z takových ústupků a jestliže tím nastane neúměrně veliké zvýšení dovozu takového zboží. Podmínkou je, že dříve než vláda některého z obou států použije předchozí výhrady, zpraví písemně druhou vládu o svém úmyslu a poskytne jí příležitost, aby se s ní do třiceti dnů po přijetí tohoto oznámení poradila o zamýšleném opatření; nedojde-li v této věci k dohodě do třiceti dnů po přijetí zmíněného oznámení, může vláda, která zamýšlí takové opatření, kdykoli je provést a druhá vláda může do patnácti dnů po provedení takového opatření vypovědět tuto celou dohodu se třicetidenní písemnou výpovědí.

*Proviso.*  
Notice to be given.

#### ARTICLE XVIII

#### ČLÁNEK XVIII

The present Agreement shall, from the date on which it comes into force, supplant the agreement between the United States of America and the Czechoslovak Republic, effected by exchange of notes signed on October 29, 1923, as prolonged by the agreement signed December 5, 1924, and as amended by the agreement signed on March 29, 1935.

Tato dohoda nahradí dnem, kdy vstoupí v platnost, dohodu sjednanou výměnou not mezi Spojenými Státy Americkými a republikou Československou, podepsanou dne 29. října 1923, prodlouženou dohodou podepsanou dne 5. prosince 1924 a pozměněnou dohodou podepsanou dne 29. března 1935.

Agreement to supplant former agreements.

49 Stat. 3674.

#### ARTICLE XIX

#### ČLÁNEK XIX

The present Agreement shall be proclaimed by the President of the United States of America, and

Po projevení souhlasu Národním Shromážděním republiky Československé bude tato doho-

Proclamation and ratification, etc.  
Post, p. 2336.

shall be ratified by the President of the Czechoslovak Republic after the declaration of approval by the National Assembly of the Czechoslovak Republic.

da ratifikována prezidentem republiky Československé a vyhlášena prezidentem Spojených Států Amerických.

Provisional application.

Pending ratification of the present Agreement by the President of the Czechoslovak Republic, the present Agreement shall be applied provisionally by the United States of America and the Czechoslovak Republic on April 16, 1938, and thereafter until the day on which the Agreement shall come definitively into force, subject to the provisions of Article VII, Article VIII, Article XII, Article XVII, numbered paragraph 14 of the Protocol, and the third paragraph of this Article. The Agreement shall come definitively into force thirty days after the exchange of the proclamation of the President of the United States of America and the instrument of ratification of the President of the Czechoslovak Republic which shall take place at Praha as soon as possible.

Definitive date of coming into force.

Než bude tato dohoda ratifikována prezidentem republiky Československé, bude uvedena v prozatímní platnost Spojenými Státy Americkými a republikou Československou dnem 16. dubna 1938 a bude prozatímně platiti až do dne, kdy nabude definitivní účinnosti, za předpokladu ustanovení článku VII, článku VIII, článku XII, článku XVII, číslovaného odstavce 14 Protokolu a třetího odstavce tohoto článku. Dohoda nabude definitivní účinnosti třicet dní po výměně ratifikační listiny prezidenta republiky Československé a vyhlášky prezidenta Spojených Států Amerických, kterážto výměna bude provedena v Praze co nejdříve.

Duration.

The present Agreement shall remain in force, subject to the provisions of Article VII, Article VIII, Article XII, Article XVII, and numbered paragraph 14 of the Protocol, until April 15, 1939. Unless at least six months before April 15, 1939, the Government of either country shall have given notice of termination to the other Government, the Agreement shall continue in force thereafter, subject to the provisions of Article VII, Article VIII, Article XII, Article XVII, and numbered paragraph 14 of the Protocol, until six months from the day on which the Government of either country shall have given notice of termination to the other Government.

Za předpokladu ustanovení článku VII, článku VIII, článku XII, článku XVII, a číslovaného odstavce 14 Protokolu, tato dohoda zůstane v platnosti až do 15. dubna 1939. Neoznámí-li některá z obou vlád nejméně šest měsíců před 15. dubnem 1939 druhé vládě, že tuto dohodu vypovídá, zůstane dohoda nadále v platnosti za předpokladu ustanovení článku VII, článku VIII, článku XII, článku XVII a číslovaného odstavce 14 Protokolu, až do šesti měsíců ode dne, kdy vláda některého z obou států oznámí druhé vládě, že dohodu vypovídá.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Signatures.

Done in duplicate, in the English and Czechoslovak languages, both authentic, at the City of Washington, this 7th day of March 1938.

For the President of the United States of America:  
 [SEAL] CORDELL HULL

For the President of the Czechoslovak Republic:  
 [SEAL] V. S. HURBAN

## CUSTOMS DUTIES ON IMPORTATION INTO THE CZECHOSLOVAK REPUBLIC

## SCHEDULE I—SECTION A

Number of the Czecho- slovak Customs Tariff	Description of Articles	Rate of Duty in Kč (Czecho- slovak crowns)
		per 100 kilo- grams
ex 10.	Wine berries and grapes, dried; Currants:	
	Wine berries and grapes, dried	180.
ex 11.	Lemons, limes, cedrats: Grapefruit	25.
ex 17.	Pine (cembra) kernels, unshelled; carob-bean, azarols, edible chestnuts; cocoanuts and similar exotic edible nuts; olives, fresh, dried, or salted:	
	Pecans, unshelled	60.
ex 36.	Walnuts and hazelnuts, ripe: Walnuts, ripe, unshelled	80.
ex 37.	Fruit not specially provided for, fresh:	
ex a)	Fine table fruit:	
ex 1.	Peaches and nectarines, pears, apples, and straw- berries:	
	Pears from September 1 to March 31	50.
	Apples from January 1 to June 30	40.
	All other fruit in other packing:	
ex c)	Apples:	
ex 1.	from December 1 to August 31:	
ex alpha)	apples from January 1 to June 30.	25.
ex 38.	Plums, dried:	
ex a)	in barrels, cases, bags, or in similar packing of a gross weight of over 30 kilograms or unpacked:	Free
	in barrels, cases, bags, or in similar packing of a gross weight of over 50 kilograms	Free
	unpackd	Free
b)	in other packing	40.
ex 39.	Fruit not specially provided for, prepared (dried, pressed, cut up, powdered or otherwise ground; pre- served in brine or in vinegar, in barrels; plum jam with no sugar added):	
	Apples and pears, both dried and unpeeled, whether whole or cut up	Free
	All other fruit not specially provided for, dried	60.
ex 84.	Hair of all kinds, crude or worked (i. e., combed, boiled, dyed, or stained, also curled); bristles:	
	Animal hair, except horsehair, crude or worked	Free
ex 86.	Bladders and casings, green, pickled or dried; gold beaters' skins; gut strings:	
	Bladders and casings, green or pickled	18. on net weight
ex 90.	Artificial fats, edible:	
ex Note 4.	Premier jus, imported by factories for the manu- facture of edible fats under special permit in accordance with the terms imposed by regula- tion	105.
ex 114.	Baked articles (biscuits, cakes, wafers, et cetera): Baked flakes and similar preparations of ground cereals and of rice	525.
ex 131.	Edibles in tins, bottles, and similar containers her- metically sealed (except edibles enumerated under Numbers 114, 126, and 127):	
	Preserved vegetables and other plant prepara- tions prepared for kitchen use:	
	Vegetable juices; other preserved vege- tables, except tomatoes, liquid	200. -
	Preserved tomatoes or asparagus	320. -
	All other preserved vegetables and other plant preparations prepared for kitchen use	420. -



CLA PŘI DOVOZU DO ČESKOSLOVENSKÉ  
REPUBLIKY

## SEZNAM I. ČÁST A.

Číslo českoslo- venského celního sazebníku	Pojmenování zboží	Celní sazba v Kč
		za 100 kg
ex 10.	Vinné bobule a hrozny, sušené; korintky:	
	vinné bobule a hrozny, sušené	180.—
ex 11.	Citrony, lemony, cedráty:	
	grapefruit	25.—
ex 17.	Piniová (limbová) jádra, nevytloupaná; svatojánský chléb, nazaroly, jedlé kaštiny; kokosové a podobné jedlé ořechy cizokrajné; olivy čerstvé, sušené neb solené:	
	ořechy pekanové, nevytloupané	60.—
ex 36.	Vlašské ořechy a lískové oříšky, zralé:	
	vlašské ořechy, zralé, nevytloupané	80.—
ex 37.	Ovoce výslovně nejmenované, čerstvé:	
ex a)	jemné ovoce stolní:	
ex 1.	broskve a nektarinky, hrušky, jablka a jahody:	
	hrušky od 1. září do 31. března	50.—
	jablka od 1. ledna do 30. června	40.—
ex c)	ostatní ovoce jinak balené:	
ex 1.	jablka:	
ex alfa)	od 1. prosince do 31. srpna:	
	jablka od 1. ledna do 30. června	25.—
ex 38.	Švestky sušené:	
ex a)	v sudech, bednách, pytlích nebo v podobných obalech o hrubé váze větší než 30 kg nebo neba- lené:	beze cla
	v sudech, bednách, pytlích nebo v podobných obalech o hrubé váze větší než 50 kg	beze cla
	nebalené	beze cla
b)	jinak balené	40.—
ex 39.	Ovoce výslovně nejmenované, upravené (sušené, stla- čené, rozkrájené, na prach rozmělněné nebo jinak rozdrobené; naložené ve slané vodě nebo v octě, v sudech; švestková povídla bez přísady cukru):	beze cla
	jablka a hrušky, obojí sušené a neloupané, buď celé nebo rozkrájené	60.—
ex 84.	Ostatní ovoce výslovně nejmenované, sušené	
	Chlupy, vlasy a jiné veškeré, surové nebo upravené (a to vochlované, vyvařené, barvené nebo mořené, též kadeřené); štětiny:	
	chlupy zvířecí veškeré, surové nebo upravené	beze cla
ex 86.	Měchýře a střeva, čerstvé, solené nebo sušené; blány zlatotepecké; střevové provazy:	
	měchýře a střeva, čerstvé nebo solené	18.—
		z čistě váhy
ex 90.	Umělé tuky jedlé:	
ex Poznám- ka 4.	Premier jus, dovážený továrnami k výrobě jedlých tuků na zvláštní povolení, za podmínek stano- vených nařízením	105.—
ex 114.	Pečivo (suchary, kakes, koláče, oplatky, atd.):	
	pečené vločky a podobné přípravy z rosem- letých obilnin a rýže	525.—
ex 131.	Poživatiny v krabicích, lahvích a podobných nádobách neprodyšně uzavřené (mimo poži- vatiny jmenované pod čís. 114, 126 a 127):	
	konzervy zelenin a jiné produkty rostlinné připravené pro kuchyňskou potřebu:	
	šťávy zelenin; jiné konzervy zelenin mimo	200. —
	z rajských jablek, tekuté	
	konzervy z rajských jablek nebo z chřestu	320. —
	ostatní konzervy zelenin a jiné produkty rostlinné připravené pro kuchyňskou potřebu	420. —

## SCHEDULE I—SECTION A—Continued

Number of the Czecho- slovak Customs Tariff	Description of Articles	Rate of Duty in Kč (Czecho- slovak crowns)
		per 100 kilo- grams
ex 131.—Con.	Preserved fruit:	
	Pineapple	200. —
	All other	360. —
	Fruit and berry juices, except raspberry, apple, and grape juices	200. —
	Pilchards in oil	360. —
	Pilchards in tomato sauce, if the consignment is accompanied by a certificate issued by an appropriate authority in the country of origin testifying that the tins contain meat of the pilchard	200. —
	Preserved salmon, if the consignment is ac- companied by a certificate issued by an appropriate authority in the country of origin testifying that the tins contain meat of the salmon	360. —
	Roasted puffed grains of cereals and of rice	525. —
ex 132.	Edibles not specially provided for:	
	Roasted puffed grains of cereals and of rice	525.
	Chewing gum	720.
ex 134.	Building and industrial wood; cork:	
b)	Building and industrial wood, non-European, in the log or in rough blocks hewn by axe, also sawed or otherwise cut, split, except veneer, but not further worked	Free
ex 150.	Earths and mineral substances not specially pro- vided for, crude, burnt, ground, or washed:	
ex b)	other:	
	Phosphate rock	Free
ex 165.	Rosin; colophony; pitch not specially provided for:	
	Rosin, colophony	Free
170.	Asphalt cement; asphalt mastix; rosin cements (wood cement)	14.
ex 173.	Turpentine, turpentine oil, pitch oil (rosin oil); crude oil of amber, hartshorn, and caoutchouc, also coal tar oils of the benzol series; bird-lime:	
ex b)	other:	
	Turpentine, turpentine oil	Free
ex 177.	Mineral oils, as well as lignite tar and schist tar oils, semirefined (semipurified), or refined (purified), of a density of 880 degrees or less, also mixed with animal or vegetable oils or fats:	
ex b)	of a density of more than 790 degrees up to 880 degrees:	
	Mineral oils, semirefined (semipurified), or re- fined (purified), light	53. on own weight
178.	Mineral oils, as well as lignite tar and schist tar oils, semirefined (semipurified), or refined (purified), of a density of more than 880 degrees, also mixed with animal or vegetable oils or fats	65. on own weight
180.	Cotton, crude, carded, bleached, colored, ground; cot- ton waste	Free
ex 181.	Cotton wadding, except cotton wool for medical pur- poses; threads prepared for cleaning machinery, et cetera:	
	Note: Linters shaped, imported under license for the manufacture of rayon, under supervision and on conditions imposed by regulation	60.
ex 285.	Pasteboard, also floor coverings of pasteboard:	
ex b)	Press boards, slate pasteboard, glazed pasteboard:	
1.	Vulcanized fibre	216. on gross weight

## SEZNAM I. ČÁST A.—Pokrač

Číslo českoslo- venského celního sašobníku	Pojmenování zboží	Celní sazba v Kč
ex 131.—pokrač.	konzervy ovocné: ananasové 200. — ostatní 360. — šťávy z plodů, ovoce a bobulí, mimo šťávu malinovou, jablečnou a z vinných bobulí 200. — pilchardy v oleji 360. — pilchardy v omáčce z rajských jablek, na osvědčení vydané úřadem země původu k tomu oprávněným o tom, že v krabicích je maso pilcharda 200. — konzervy lososové, na osvědčení vydané úřadem země původu k tomu oprávněným o tom, že v krabicích je maso lososa 360. —	za 100 kg
ex 132.	pražená nabobtnalá zrna obilnin a rýže 525. — Požívatiny výslovně nejmenované: pražená nabobtnalá zrna obilnin a rýže 525. — žvýkačí guma 720. —	
ex 134. b)	Dříví stavební a užitkové; korek: dříví stavební a užitkové, mimoevropské, kulaté nebo v hrubých špalcích sekerou osekaných, též řezané pilou nebo jinak ořezávané, štěpané, mimo dyhy, bez dalšího opracování	beze cla
ex 150.	Zeminy a látky nerostné, výslovně nejmenované, př- rodní, pálené, mleté nebo plavené:	
ex b)	ostatní:	
ex 165.	fosfáty přírodní 60. — Pryskyřice obvyklé; kalafuna; smůla výslovně nejme- novaná:	beze cla
170.	pryskyřice obvyklá, kalafuna Asfaltový tmel; asfaltový mastix; pryskyřičné cementy (dřevitý cement)	beze cla 14. —
ex 173.	Terpentýn, olej terpentýnový, olej smolný (pryskyřič- ný); surový olej jantarový, z rohu a kaučukový, pak oleje řady benzolové z kamenouhelného dehtu; ptačí lep:	
ex b)	ostatní:	
ex 177.	terpentýn, olej terpentýnový Oleje minerální, jakož i oleje z dehtu hnědouhelného a břidličného, polorafinované (poločistěné) nebo rafino- vané (čistěné), hutnoty 880° nebo menší, též smíšené s živočišnými nebo rostlinnými oleji nebo tuky:	beze cla
ex b)	hutnoty vyšší než 790° do 880°:	
	oleje minerální polorafinované (poločistěné) nebo rafinované (čistěné), lehké	53.— z vlastní váhy
178.	Oleje minerální, jakož i oleje z dehtu hnědouhelného a břidličného, polorafinované (poločistěné) nebo rafino- vané (čistěné), hutnoty větší než 880°, též smíšené s živočišnými nebo rostlinnými oleji nebo tuky	65.— z vlastní váhy
180.	Bavlina surová, mykaná, bílená, barvená, mletá; od- padky	beze cla
ex 181.	Bavlněná vata, mimo vatu k léčebným účelům; niti upravené k čištění strojů atd.: Poznámka. Linty tvážené, dovážené na dovo- vací list pro výrobu umělého hedvábí, pod dozo- rem a za podmínek stanovených nařízením	60.—
ex 285.	Lepenka, též pokrývky na podlahu z lepenky: lisovací listy, lepenka břidličná, lepenka lesklá: vulkaníbr	216.— z hrubé váhy
ex b) 1.		

## SCHEDULE I—SECTION A—Continued

Number of the Czecho- slovak Customs Tariff	Description of Articles	Rate of Duty in Kč (Czecho- slovak crowns)  per 100 kilo- grams
ex 312.	Articles of soft india rubber not specially provided for, also combined with common or fine materials: Rubber syringes, erasers, rubber bands up to 2 millimeters in width	650.
ex 320.	Technical articles:	
d)	Transmission belts	1000.
ex e)	Pneumatic tires (tubes and tires):	
2.	other	1000.
333.	Buck, goat and kid leather, prepared, except glove and patent leather	1350.
335.	Glove leather of all kinds	620.
336.	Patent leather of all kinds	800.
ex 337.	Leather not specially provided for; parchment:	
b)	Skins of birds, reptiles, amphibians, and fish	450.
Note 1.	Cuttings and other waste of leather classified under Numbers 329, 330, 333-337	215.
ex 361.	Articles of other materials than wood for turning or carving, not specially provided for:	
ex c)	Articles of meerschaum, lava, celluloid and simi- lar artificial carving materials (except articles made of imitations of materials enumerated under items d) and e)), also combined with common or with other fine materials:	
Note 1.	Unexposed films other than motion picture films	1200.
	Unexposed motion picture films	360.
ex 365.	Cork bricks:	
	Insulating materials of infusorial earth mixed with asbestos, hair, sawdust, and similar materials	75.
ex 366.	Cork stoppers, soles, and similar articles, also com- bined with common materials:	
	Insulating materials of infusorial earth mixed with asbestos, hair, sawdust, and similar mate- rials, also combined with common materials	75.
398.	Insulating materials of infusorial earth mixed with as- bestos, hair, sawdust, and similar materials:	
	Rock wool	Free.
	other	40.
ex 401.	Articles of asbestos:	
b)	Asbestos paper and asbestos cardboard, formed, also perforated; unformed or formed with wire inlay	600.
406.	Abrasive paper	240.
407.	Abrasive cloth, abrasive ribbons, and similar abrasive materials	320.
ex 445.	Sheet iron articles not specially provided for:	
ex d)	Painted, printed, bronzed, lacquered, enameled, or of sheet iron with designs; also combined with common materials:	
ex 2.	other:	
	Addressing machine frames	475.
ex 476.	Iron furniture, except artistic locksmith furniture; gymnastic apparatus:	
ex b)	with other common or with fine finish, also com- bined with other materials:	
	Record-keeping equipment	770.
	Refrigerator cabinets, also with very fine finish, for storing foodstuffs	1000.
ex 488.	Base metals, crude, old broken or scrap:	
d)	Copper (also refined), electrolytic copper, rosette copper, cement (precipitated) copper	Free.

## SEZNAM I. ČÁST A.—Pokrač

Číslo českoslo- venského celního sazebníku	Pojmenování zboží	Celní sazba v Kč
		za 100 kg
ex 312.	Zboží s měkkého kaučuku, výslovně nejmenované, též spojené s obyčejnými nebo jemnými hmotami: stříkačky, pryže (guma stérací), pryžové proužky nejvýše 2 mm široké	650.—
ex 320.	Technické potřeby:	
d)	hnačí řemeny	1000.—
ex e)	pneumatiky (duše a pláště):	
2.	ostatní	1000.—
333.	Kůže kozlí (kozlovice), kozí (kozina) a kozlečí (kozletina), upravená, mimo kůže rukavičkářskou a kůže lakovanou	1350.—
335.	Všeliká kůže rukavičkářská	620.—
336.	Kůže lakovaná všeho druhu	800.—
ex 337.	Kůže výslovně nejmenovaná; pergamen:	
b)	kůže ptáků, plazů, obouživočelů a ryb	450.—
Poznámka	Odřezky a jiné odpadky usní čís. 329, 330, 333—337	215.—
1.		
ex 361.	Zboží výslovně nejmenované z jiných surovin soustružnických a řezbářských než ze dřeva:	
ex c)	z mořské pěny, lávy, celulóidu a z podobných umělých surovin řezbářských (mimo zboží z napodobenin látek jmenovaných pod položkou d) a e)), též spojené s obyčejnými nebo s jinými jemnými hmotami:	
	neosvětlené filmy jiné než kinematografické	1200.—
Poznámka	Neosvětlené filmy kinematografické	360.—
1.		
ex 365.	Korkové cihly:	
	hmoty isolační z křeménky promísené osinkem, chlupy, drtinami a pod.	75.—
ex 366.	Korkové zátky, podešve a pod. zboží, též spojené s obyčejnými hmotami:	
	hmoty isolační z křeménky promísené osinkem, chlupy, drtinami a pod., též spojené s obyčejnými hmotami	75.—
398.	Hmoty isolační z křeménky promísené osinkem, chlupy, drtinami a pod.:	
	strusková vlna	beze cla
	ostatní	40.—
ex 401.	Zboží osinkové:	
b)	osinkový papír a osinková lepenka, tváření, též dirkované; netvářené nebo tváření s drátěnou vložkou	600.—
406.	Papír brousíř	240.—
407.	Brousíř plátno, pásy a pod.	320.—
ex 445.	Plechové zboží výslovně nejmenované:	
ex d)	malované, potíštěné, bronzované, lakované; smaltované nebo ze vzorkovaných plechů; též spojené s obyčejnými hmotami:	
ex 2.	ostatní:	
	rámečky na adresy do adresovacích strojů	475.—
ex 476.	Železný nábytek, mimo nábytek uměleckého zámečnictví; tělocvičné nářadí:	
ex b)	jinak obyčejné nebo jemně opracované, též spojené s jinými hmotami:	
	kartotékové skříně, zařízené	770.—
	chladič skříně na úschovu potravin, též velmi jemně opracované	1000.—
ex 488.	Obecné kovy, surové, staré přelámané nebo v odpadcích:	
d)	měď (též čištěná), měď elektrolytická, rosetová, cementová (srážená)	beze cla

## SCHEDULE I—SECTION A—Continued

Number of the Czechoslovak Customs Tariff	Description of Articles	Rate of Duty in Kčs (Czechoslovak crowns)
		per 100 kilograms
ex 530.	Agricultural machinery and implements, not specially provided for:	
ex c)	other:	
ex 2.	of iron:	
	Complete ploughs for attachment to motor ploughs	300.
ex 538.	Machines and instruments, other, not specially provided for, weighing each:	
ex c)	over 10 metric quintals: Planing, shaping, and milling machines for metal work	600.
Note 2 (to Class XL)	When classifying machines, instruments, or parts thereof, their combination with other materials is disregarded.	
Note 3 (to Class XL)	Such articles, not specially provided for, which cannot be used otherwise than for assembling machines or instruments, shall be dutiable as parts of machines or instruments.	
ex 539.	Dynamos and electric motors (except those for automobiles), also such as are permanently combined with mechanical contrivances or apparatus; transformers (rotary or static converters); weighing each:	
ex a)	25 kilograms or less: Electric cooling units	975.
ex 543.	Electrical instruments and electrical appliances (regulators, resistances, starters and the like), not specially provided for:	
	Spark plugs	1200.
ex 546.	Electric carbons:	
ex b)	other:	
1.	weighing each 3 kilograms or over	24.
ex 553.	Motorcycles, also with sidecar, sidecars imported separately, automobiles (also motor tricycles), chassis with or without motor and bodies imported separately:	
ex a)	Motorcycles, also with sidecar, and sidecars imported separately:	
	Motorcycles, weighing each over 190 kilograms (without sidecar)	1400.
ex b)	Passenger automobiles (also motor tricycles), chassis with or without motor and bodies imported separately, weighing each:	
ex 2.	over 1000 kilograms: complete passenger automobiles, complete chassis, single replacement parts of chassis	1700.
ex c)	Trucks, autobuses, automobiles inseparably connected with a working mechanism, chassis with or without motor and bodies imported separately, weighing each:	
ex 1.	not over 1500 kilograms: complete trucks, complete chassis, single replacement parts of chassis	1700.
ex d)	Tractors and motor ploughs, weighing each:	
ex 1.	not over 1500 kilograms: Tractors	540.
ex 2.	over 1500 kilograms up to 3000 kilograms: Tractors	680.
ex 554.	Automobile and airplane engines:	
Note to Item a).	Single parts of engines under this tariff number imported separately, which are completely finished and which can be recognized without doubt as parts of such engines, are subject to the rates of duty applicable to the various types of engines, provided that the importer submits a certificate establishing without doubt that such parts belong to engines of that particular type and weight.	

## SEZNAM I. ČÁST A.—Pokrač

Číslo  
číslo-  
varného  
celního  
sazebníku

Pojmenování zboží

Celní sazba  
v Kč

ex 530.	Hospodářské stroje a přístroje, výslovně nejmenované:	za 100 kg
ex c)	jiné:	
ex 2.	železné:	
	úplné přivěsné pluhý k motorovým pluhům	300. —
ex 538.	Stroje a přístroje, výslovně nejmenované, jiné, váží-li kus:	
ex c)	více než 10 g:	
	hoblovací stroje, shapinky a obrážecí stroje na kovy	600. —
Poznámka 2	Při zařadování strojů, přístrojů nebo jejich součástí	
ke třídě XL	nepřihlíží se ke spojení s jinými hmotami.	
Poznámka 3	Jako části strojů nebo přístrojů buďtež vylčovány	
ke třídě XL	takové předměty výslovně nezařazené, kterých nemůže býti jinak použito než k sestavení strojů nebo přístrojů.	
ex 539.	Dynamy a elektrické motory (mimo motory k automobilům), též spojené neodlučitelně s mechanickým zařízením nebo s přístroji; transformátory (otáčivé nebo nehybné měniče); váží-li kus:	
ex a)	25 kg nebo méně:	
	elektrické chladicí agregáty	975. —
ex 543.	Elektrické přístroje a elektrotechnická zařízení (regulátory, odpory, napáječe [spouštěče] a pod.), výslovně nejmenované:	
	zapalovací svíčky	1200. —
ex 546.	Elektrické uhlíky:	
ex b)	jiné:	
1.	váží-li kus 3 kg nebo více	24. —
ex 553.	Motorová kola, též s přivěsným vozíkem, přivěsné vozíky zvlášť dovážené, automobily (též motorové tříkolky), chasis s motorem nebo bez něho a karoserie zvlášť dovážené:	
ex a)	motorová kola, též s přivěsným vozíkem a přivěsné vozíky zvlášť dovážené:	
	motorová kola, (motocykly), váží-li kus více než 190 kg (bez přivěsného vozíku)	1400.—
ex b)	osobní automobily (též motorové tříkolky), chasis s motorem nebo bez něho a karoserie zvlášť dovážené, váží-li kus:	
ex 2.	více než 1000 kg:	
	úplné osobní automobily, úplné chasis, jednotlivé náhradní součástky chasis	1700.—
ex c)	nákladní automobily, autobusy, automobily nerozlučně spojené s pracovním zařízením, chasis s motorem nebo bez něho a karoserie zvlášť dovážené, váží-li kus:	
ex 1.	nejvýše 1500 kg:	
	úplné nákladní automobily, úplné chasis, jednotlivé náhradní součástky chasis	1700.—
ex d)	traktory a motorové pluhý, váží-li kus:	
ex 1.	nejvýše 1500 kg:	
	traktory	540.—
ex 2.	více než 1500 kg až 3000 kg:	
	traktory	680.—
ex 554.	Motory automobilové a letadlové:	
Poznámka	Jednotlivé, zvlášť dovážené součástky motorů	
k pol. a).	této saz. položky, jež jsou zcela opracovány a jež lze bez pochybnosti poznati jako součástky takových motorů, vylčovají se sazbami platnými pro jednotlivé druhy motorů, podá-li dovozce průkaz, z něhož lze bezpečně seznati, že součástky patří k motoru příslušného druhu a váhy.	

## SCHEDULE I—SECTION A—Continued

Number of the Czecho- slovak Customs Tariff	Description of Articles	Rate of Duty in Kč (Czecho- slovak crowns)
		<i>per 100 kilo- grams</i>
ex 576.	Machines and instruments not specially provided for:	<i>per kilo- gram</i>
a)	Typewriters, calculating machines (also cash registers), bookkeeping, duplicating, accounting, statistical, addressing, and franking machines	15.
ex b)	other:	
	Dictating machine cylinders	7. 70
ex 596.	Elements specially provided for:	<i>per 100 k i l o - grams</i>
ex a)	Sulphur (in pieces and bars), also ground, and flowers of sulphur; phosphorus; metallic antimony; quicksilver:	
	Sulphur (in pieces and bars), also ground	Free
ex 599.	Salts of potassium, sodium, and ammonium, specially provided for:	
ex a)	Manure salts (salts of potassium in their natural combination, known as abraum and waste salts, as well as artificial manures from mixtures of salts); potassium chloride; sodium nitrate (natural [Chile saltpeter] and artificial), not refined; crude borax; tartar, crude; wine lees, dry; beet potash:	
ex 2.	other:	
	Crude borax	Free
ex 605.	Lampblack, charcoal powder, and ground black (except granulated bone charcoal which is classified under No. 600 d):	
	Lampblack, charcoal powder and ground black (except granulated bone charcoal which is classified under No. 600 d), except activated carbons	40.
ex 622.	Chemical auxiliary materials and chemical products not specially provided for:	
ex d)	all other:	
	Silicon carbide	15% ad valorem but not over 3600. Kč (Cze- choslo- vak crowns) <i>per 100 k i l o - grams</i>
ex 637.	Soap:	<i>per 100 k i l o - grams</i>
b)	Fine soap, i. e., perfumed or in tablets, balls, boxes, jars	648.



## SEZNAM I. ČÁST A.—Pokrač

Číslo českoslo- vanakého celního sazebníku	Pojmenování zboží	Celní sazba v Kč
ex 576. a)	Přístroje a nástroje, výslovně nejmenované: přístroje psací, počítací (též kontrolní pokladny), knihovací, rozmnožovací, účtovací, statistické, adresovací a známkovací	za 100 kg za 1 kg 15.
ex b)	ostatní: válečky k diktovacím přístrojům	7. 70
ex 596.	Prvky výslovně jmenované:	za 100 kg
ex a)	síra (v kusech a roubkách), též mletá, a sirný květ; fosfor; antimon kovový; rtuť:	beze cla
ex 599.	Síra (v kusech a roubkách), též mletá Solí draselné, sodné a amonné, výslovně jmenované:	beze cla
ex a)	solí hnojivé (solí draselné v přirozeném svém složení, t. zv. jalové [odklizové] a odpadkové solí, jakož i umělá hnojiva ze solných směsí); chlorid draselný; ledek sodný (přírodní [čilský] i umělý), nečištěný; surový borax; vinný kámen surový; vinné droždí (vinné kvasnice) suché; výpalkové uhlí:	beze cla
ex 2.	ostatní: surový borax	beze cla
ex 605.	Saze (kopt), uhelný prášek a umleté černi (mimo roz- drobené uhlí kostní, které patří do čís. 600 d): saze (kopt), uhelný prášek a umleté černi (mimo rozdobené uhlí kostní, které patří do čís. 600 d), mimo aktivní uhlí	40.—
ex 622.	Pomocné látky a výrobky chemické, výslovně nejme- nované:	z ceny:
ex d)	ostatní: karbid křemíku	15% ni- koli však více než 3600 Kč za 100 kg
ex 637.	Mýdlo:	za 100 kg
b)	jemné, t. j. navoněné nebo v tabulkách, koulích, krabíčkách, hrnečkách	648.—

## SCHEDULE I—SECTION B

Number of the Czechoslovak Customs Tariff	Description of Articles	Annual Quota
ex 37.	Apples, fresh	14% of current im- ports but not less than 4500 metric tons
38.	Plums, dried The quota year from September 1 to August 31	30% of current im- ports but not less than 3500 metric tons
ex 89.b)	Rendered lard	35% of current im- ports but not less than 5600 metric tons
90. ex Note 4.	Premier jus, imported by factories for the manufacture of edible fats under special permit in accordance with the terms imposed by regulation	80 metric tons
ex 361.c)	Unexposed films other than motion picture films	35 metric tons
ex 553.a)	Motorcycles	275 units
ex 553.b)	Passenger automobiles complete, or pas- senger automobile chassis, complete,	1600 units
ex 553.c)	automobile trucks complete or automo- bile truck chassis, complete	
ex 599.a) Note 1.	Sodium nitrate under certificate	3000 metric tons per fiscal year, begin- ning July 1, 1938.

## SCHEDULE II

NOTE: The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined in so far as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of articles enumerated in this Schedule, which are subject on the day of the signature of this Agreement to additional or separate ordinary customs duties, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duties shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
78	Potassium permanganate	6¢ per lb.
212	Sanitary ware, and parts and fittings there- for, composed wholly or in chief value of china, porcelain, or other vitrified wares, composed of a vitrified nonabsorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and not specially provided for:	
	Plain white, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner	30% ad val.
	Painted, colored, tinted, stained, enam- eled, gilded, printed, or ornamented or decorated in any manner	35% ad val.

## SEZNAM I.—ČÁST B.

Číslo československého celního sazebníku	Pojmenování zboží	Roční kontingent
ex 37.	Jablka, čerstvá	14% běžného dovozu, nikoli však méně než 4500 t
38.	Švestky sušené Kontingentní rok od 1. září do 31. srpna	30% běžného do- vozu, nikoli však méně než 3500 t
ex 39.b)	Sádlo vyškvařené	35% běžného do- vozu, nikoli však méně než 5600 t
90. ex Poznámka 4.	Premier jus, dovážený továrnami k výrobě jedlých tuků na zvláštní povolení, za podmínek stanovených nařízení	80 t
ex 361.c)	Neosvětlené filmy jiné než kinemato- grafické	35 t
ex 553.a)	Motorová kola (motocykly)	275 kusů
ex 553.b)	Úplné osobní automobily nebo úplné chasis	1600 kusů
ex 553.c)	k osobním automobilům, úplné nákladní automobily nebo úplné chasis k náklad- ním automobilům	
ex 599.a) 1. Poznámka.	Ledek sodný na osvědčení	3000 t pro hospo- dářský rok od 1. července 1938

## SEZNAM II

Poznámka: Ustanovení tohoto seznamu budou vykládána a budou mít stejnou účinnost, a o použití současně platných ustanovení celních zákonů Spojených Států na ustanovení tohoto seznamu bude, pokud je to proveditelné, rozhodováno tak, jako kdyby každé ustanovení tohoto seznamu bylo uvedeno v zákonném ustanovení označeném ve sloupci na levo od příslušného pojmenování zboží.

Přirážková nebo zvláštní běžná cla, která jsou uvalována na základě zákonného ustanovení označeného ve sloupci na levo od příslušného pojmenování zboží nebo která jsou jinak uvalována a jimž v den podpisu této dohody podléhá zboží vyjmenované v tomto seznamu, nebudou zvyšována, zůstanou však v platnosti, ale snížena jak uvedeno v tomto seznamu nebo jak bude v budoucnu ustanoveno, až do doby, kdy budou podle zákona zrušena.

Paragraf celního zákonu Spole- ných Států z 1930	Pojmenování zboží	Celní sazba
78 212	Manganistan draselný Zboží k účelům zdravotnickým, jeho části a součásti (fittings), výslovně nejmenované, složené zcela nebo hodnotou převážně z kameniny, porcelánu (china, porcelain) nebo jiného sklovitého zboží, vyrobeného ze sklovité neprůlinité hmoty, která rozbita, je na lomu sklovitá nebo skelná, poloskovitá nebo poloskelná: bílé, nikoli však malované, barevné, tonované, napouštěné, smaltované, zlacené, potištěné, nijak nezdobené ani nedekorované malované, barevné, tonované, napou- štěné, smaltované, zlacené, potištěné nebo jakkoli zdobené nebo dekorované	6 centů za libru  30% z hodnoty  35% z hodnoty

## SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
217	Bottles, jars, covered or uncovered demijohns, and carboys, any of the foregoing, wholly or in chief value of glass, unfilled, not specially provided for, if holding more than one pint <i>Provided, That no articles containing merchandise shall be entitled to a reduction in duty by virtue of this item.</i>	½¢ per lb.
218 (b)	Fusible enamel rods and canes, for whatever purpose used, wholly or in chief value of glass	40% ad val.
218 (c)	Illuminating articles of every description, finished or unfinished, wholly or in chief value of glass, for use in connection with artificial illumination:	
	Prisms, glass chandeliers, and articles in chief value of prisms	30% ad val.
	Chimneys	30% ad val.
	Globes and shades	45% ad val.
	Wall brackets, candelabras, and candlesticks, all the foregoing designed for electrical illumination	30% ad val.
	Others	40% ad val
	<i>Provided, That parts not specially provided for, wholly or in chief value of glass, of any of the foregoing shall be subject to the same rate of duty as the articles of which they are parts.</i>	
218 (d)	All glassware commercially known as plated or cased glass, composed of two or more layers of clear, opaque, colored, or semi-translucent glass, or combination of the same	45% ad val.
218 (e)	Bottles, wholly or in chief value of glass, of the character used or designed to be used as containers of perfume, talcum powder, toilet water, or other toilet preparations, when unfilled and produced otherwise than by automatic machine, whether or not fitted with or designed for use with ground-glass stoppers	37½% ad val.
218 (f)	Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sandblasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free, except articles primarily designed for ornamental purposes, decorated chiefly by engraving and valued at not less than \$8 each	50% ad val.
218 (g)	Table and kitchen articles and utensils, composed wholly or in chief value of glass, when pressed and unpolished, whether or not decorated or ornamented in any manner or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), whether filled or unfilled, or whether their contents be dutiable or free	25% ad val.

## SEZNAM II—Pokrač

Paragraf celního  
zákonu Spojených  
Států z  
1930

Pojmenování zboží

Celní sazba

217	Lahve, džbány, demijony opatřené nebo neopatřené obalem a oplátané lahve, jsou-li zcela nebo hodnotou převážně ze skla, prázdné, výslovně nejmenované, s větším obsahem než 1 pinta <i>za předpokladu, že uvedené předměty, plněné, nebudou požívati snížené celní sazby podle této položky.</i>	½ centu za libru
218 (b)	Tavitelné smaltované tyčinky a hůlky k jakýmkoliv účelům, zcela nebo hodnotou převážně ze skla	40 % z hodnoty
218 (c)	Osvětlovací tělesa jakéhokoli druhu, dohotovená nebo nedohotovená, zcela nebo hodnotou převážně ze skla, k použití ve spojitosti s umělým osvětlováním:	
	prismata, skleněné lustry a předměty převážně z prismatických	30 % z hodnoty
	cylindry	30 % z hodnoty
	koule a stínidla	45 % z hodnoty
	nástěnná ramena, kandelábry a svícny, vesměs určené k elektrickému osvětlení	30 % z hodnoty
	ostatní <i>za předpokladu, že výslovně nejmenované části uvedených předmětů, zcela nebo hodnotou převážně ze skla, budou podrobeny téže celní sazbě jako předměty, jichž jsou součástí.</i>	40 % z hodnoty
218 (d)	Veškeré skleněné zboží v obchodě známé jako sklo zrcadlové nebo vrstvené, složené ze dvou neb více vrstev čistého, opakového, barevného nebo poloprůsvitného skla nebo kombinace tohoto skla	45 % z hodnoty
218 (e)	Lahve, zcela nebo hodnotou převážně ze skla, kterých se podle jejich povahy používá, nebo jež jsou určeny k použití jako nádoby pro voňavky, mastkový pudr, toaletní vody nebo pro jiné toaletní přípravky, prázdné a vyrobené jinak než automatickým strojem, ať již jsou nebo nejsou opatřeny neb určeny k použití s broušenými skleněnými zátkami	37½ % z hodnoty
218 (f)	Stolní a kuchyňské předměty a nádobí a veškeré předměty všeho druhu výslovně nejmenované, zcela nebo hodnotou převážně ze skla, foukané nebo částečně foukané ve formě nebo jinak, nebo barevné, broušené, ryté, leptané, zprýskané, zlacené, přibroušené (s výjimkou broušení nutného k zapuštění zátek nebo k jiným než ozdobným účelům), malované, jakýmkoliv způsobem potíštěné, pískem žíhané, stříbřené, napouštěné nebo zdobené nebo jakýmkoliv způsobem krášené, plněné nebo prázdné, s obsahem clu podrobeným nebo cla prostým, s výjimkou předmětů určených hlavně k okrasným účelům, zdobené hlavně rytím a v ceně nejméně 8 dolarů za kus	50 % z hodnoty
218 (g)	Stolní a kuchyňské předměty a nádobí, zcela nebo hodnotou převážně ze skla, lisované a neleštěné, jakkoli zdobené nebo nezdobené, krášené nebo nekrášené nebo přibroušené (s výjimkou broušení nutného k zapuštění zátek nebo k jiným než okrasným účelům), plněné nebo prázdné s obsahem clu podrobeným nebo cla prostým	25 % z hodnoty

## SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
219	Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used: Not exceeding eight hundred and sixty-four square inches Exceeding eight hundred and sixty-four square inches <i>Provided</i> , That none of the foregoing weighing less than sixteen ounces but not less than twelve ounces per square foot shall be subject to a less rate of duty than <i>Provided further</i> , That the foregoing rates shall not apply as basic duties to glass subject to an additional duty under paragraph 224 of the Tariff Act of 1930.	1½¢ per lb. 1½¢ per lb. 30% ad val.
230 (d)	All glass, and manufactures of glass, or of which glass is the component of chief value, except broken glass or glass waste fit only for remanufacture, not specially provided for:	40% ad val.
339	Pressed building blocks or bricks, crystal color Other Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for, composed of iron or steel and enameled or glazed with vitreous glasses, whether or not containing electrical heating elements as constituent parts thereof	50% ad val. 5¢ per lb. and 15% ad val.
339	Meat and food choppers which are household or kitchen utensils, composed wholly or in chief value of base metal, not plated with platinum, gold, or silver, and not specially provided for	30% ad val.
346	Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal, valued at not more than 20 cents per hundred	3½¢ per 100 and 10% ad val.
348	Snap fasteners and clasps (except sew-on fasteners), and parts thereof, by whatever name known, or of whatever material composed, not plated with gold, silver, or platinum; all the foregoing, valued at not more than \$1.66½ per hundred:	30% ad val. 35% ad val.
349	Not mounted on tape Mounted on tape Metal buttons embossed with a design, device, pattern, or lettering	35% ad val.
350	Safety pins, not plated with gold or silver, and not commonly known as jewelry	30% ad val.
710	Bryndza cheese in casks, barrels, or hogsheads, weighing with their contents more than 200 pounds each	5¢ per lb., but not less than 25% ad val.
780	Hops valued at 30 cents or more per pound	18¢ per lb.
780	Lupulin	75¢ per lb.
910	Table damask, wholly or in chief value of cotton, and all articles, finished or unfinished, made or cut from such table damask; all the foregoing valued at 75 cents or more per pound	20% ad val.

## SEZNAM II—Pokrač

Paragraf celního  
zákona Spole-  
ných Států z  
1930

Pojmenování zboží

Celní sazba

219	Válcované, ploché a tabulové sklo, jakýmkoliv způsobem vyráběné a k jakémukoliv účelu:  nepřesahuje-li osm set šedesát čtyři čtverečních palců 1½ centu za libru přesahuje-li osm set šedesát čtyři čtve- rečních palců 1¾ centu za libru <i>za předpokladu</i> , že uvedené druhy skla váží méně než 16 unci, ale ne méně než 12 unci na čtvereční stopu, nebudou podrobeny nižší celní sazbě než  <i>za dalšího předpokladu</i> , že uvedených zde sazeb nebude použito jako základních cel pro sklo podrobené přírážkovému clu podle paragrafu 224 tarifního zákona z roku 1930.	
230 (d)	Veškeré sklo a výrobky ze skla nebo ve kterých je sklo složkou s největší hodnotou, výslovně nejmenované, s výjimkou skel- ných stěpů nebo skelných odpadků, hodí- cích se toliko ku znovuzpracování: Lisované stavební bloky a cihly, krysta- lové barvy 40% z hodnoty Ostatní 50% z hodnoty	
339	Stolní, domácí, kuchyňské a nemočení nádobí a duté nebo ploché zboží, výslovně nejmenované, ze železa nebo oceli a smalto- vané nebo polévané sklovinou, spojené s elektrickými topnými tělesy nebo bez nich, která tvoří jejich podstatnou část	5 centu za libru a 15% z hodnoty
339	Řezačky na maso a potraviny, které jsou domácím a kuchyňským nářadím, zcela nebo hodnotou převážně z obyčejného kovu, neplatované platinou, zlatem neb stříbrem, a výslovně nejmenované	30% z hodnoty
346	Opaškové přezky, kalhotové přezky, a přezky k vestám, přezky na boty a dámské střevíce (slippers), a jejich součástí, zcela nebo čás- tečně ze železa, ocele nebo jiného obyčejného kovu v ceně do 20 centu za sto kusů	3¼ centu za sto a 10% z hodnoty
348	Zdrhovací uzávěrky a spony (s výjimkou našitých uzávěrek) a jejich části, jakkoli pojmenované, nebo z jakéhokoliv materiálu vyrobené, zlatem, stříbrem nebo platinou ne- platované; všechny uvedené předměty v ceně do 1.66% dolarů za sto kusů: bez pásky 30% z hodnoty na páse 35% z hodnoty	
349	Kovové knoflíky s vypouklou kresbou, odznakem, vzorem nebo písmeny	35% z hodnoty
350	Spínací špendlíky, zlatem nebo stříbrem neplatované a nepovažované všeobecné za- klenoty	30% z hodnoty
710	Sýr bryndza, v kadečkách, soudcích nebo sudech, vážících s obsahem více než 200 liber	5 centu za libru, ale ne méně než 25% z hodnoty
780	Chmel v ceně 30 centů a více za libru	18 centů za libru
780	Lupulín	75 centu za libru
910	Stolní damašek, zcela nebo hodnotou pře- važně z bavlny, a všechno zboží, doho- tované nebo nedohotované, vyrobené neb střížené z takového stolního damašku; všechno uvedené zboží v ceně 75 centu nebo více za libru	20% z hodnoty

## SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
911 (a)	Towels, other than pile fabrics, wholly or in chief value of cotton, whether in the piece or otherwise, if Jacquard-figured, valued at 10 cents or more each	30% ad val.
915	Gloves and mittens, finished or unfinished, wholly or in chief value of cotton or other vegetable fiber, made of fabric knit on a warp-knitting machine, valued at \$1.50 or more per dozen pairs	50% ad val.
1013	Table damask, wholly or in chief value of flax, not exceeding one hundred and thirty threads to the square inch, counting the warp and filling, and all articles, finished or unfinished, made or cut from such damask	30% ad val.
1014	Napkins, finished or unfinished, wholly or in chief value of flax, not exceeding one hundred and thirty threads to the square inch, counting the warp and filling	30% ad val.
1023	All manufactures, wholly or in chief value of flax, not specially provided for	30% ad val.
1116 (b)	Chenille Axminster carpets, rugs, and mats, plain or figured, whether woven as separate carpets, rugs, or mats, or in rolls of any width	40% ad val.
1117 (a)	Wilton carpets, rugs, and mats, valued at not more than 40 cents per square foot	40% ad val.
1309	Gloves and mittens, knit or crocheted, finished or unfinished, wholly or in chief value of rayon or other synthetic textile, valued at \$1.50 or more per dozen pairs	45¢ per lb. and 50% ad val.
1413	Wall pockets, composed wholly or in chief value of paper, papier-mache, or paper board, whether or not die-cut, embossed, or printed lithographically or otherwise	17½% ad val.
1503	Spangles and beads, including bugles, not specially provided for	20% ad val.
1503	Beads in imitation of precious or semiprecious stones, of all kinds and shapes, of whatever material composed, not specially provided for	25% ad val.
1503	Ladies' handbags and plates therefor, not ornamented with beads, spangles, or bugles, nor embroidered, tamboured, appliqued, or scalloped, composed wholly or in chief value of beads or spangles (other than imitation pearl beads, beads in imitation of precious or semiprecious stones, and beads in chief value of synthetic resin)	40% ad val.
<p><i>Provided, That none of the foregoing shall be subject to duty by reason of the second proviso to paragraph 1503 of the Tariff Act of 1930 at a rate in excess of 50 per centum of any rate which would be applicable under such proviso in the absence of any reduction in duty under the authority of section 350 of the said act, as amended.</i></p>		
1510	Buttons not specially provided for, wholly or in chief value of compounds of casein known as galalith or by any other name, valued at more than 60 cents per gross	35% ad val.



## SEZNAM II—Pokrač.

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911 (a)	Ručníky, jiné než ze smyčkových tkanin, zcela nebo hodnotou převážně z bavlny, at' v kuse nebo jinak, s jacquardovým vzorem, v ceně 10 centů nebo více za kus	30% z hodnoty
915	Rukavice a palčáky, dohotovené nebo nedohotovené, zcela nebo hodnotou převážně z bavlny nebo jiných rostlinných vláken, vyrobené z tkanin pletených na osnovných pletacích strojích, v ceně 1.50 dolarů nebo více za tučet párů	50% z hodnoty
1013	Stolní damasek, zcela nebo hodnotou převážně ze lnu, nejvýše o jednom stu třiceti nitích na čtvereční palec, počítajíc osnovu a útek, a všechno zboží, dohotovené nebo nedohotovené, vyrobené nebo střížené z takového damasku	30% z hodnoty
1014	Ubrousky, dohotovené nebo nedohotovené, zcela nebo hodnotou převážně ze lnu, nejvýše o jednom stu třiceti nitích na čtvereční palec, počítajíc osnovu a útek	30% z hodnoty
1023	Veškeré výrobky, zcela nebo hodnotou převážně ze lnu, výslovně nejmenované	30% z hodnoty
1116 (b)	Ženílkové koberce axminstrové, pokrývky a rohožky, hladké nebo vzorkované, tkané jednotlivě jako koberce, pokrývky nebo rohožky nebo v rolích jakékoliv šířky	40% z hodnoty
1117 (a)	Wiltonové koberce, pokrývky a rohožky, v ceně do 40 centu za čtvereční stopu	40% z hodnoty
1309	Rukavice a palčáky, pletené neb háčkové, dohotovené nebo nedohotovené, zcela nebo hodnotou převážně z umělého hedvábí nebo z jiných umělých tkanin v ceně 1.50 dolarů neb více za tučet párů	45 centu za libru a 50% z hodnoty
1413	Nástěnné kapsy, zcela nebo hodnotou převážně z papíru, papier-maché, nebo lepenky, do tvaru vyříznuté nebo nevyříznuté, vypouklé, litografované nebo jinak tištěné	17½% z hodnoty
1503	Cetky a korály včetně černých skleněných korálů, výslovně nejmenované	20% z hodnoty
1503	Korály napodobující drahokamy a polodrahokamy všeho druhu a tvaru, vyrobené z jakéhokoliv materiálu, výslovně nejmenované	25% z hodnoty
1503	Dámské kabelky a destičky k nim, nezdobené korály, cetkami nebo černými skleněnými korály, nevyšívané, netamburované, bez aplikace ani nevroubkované, zhotovené zcela nebo hodnotou převážně z korálů nebo cetek (jiných než z korálů napodobujících perly, z korálů napodobujících drahokamy nebo polodrahokamy a z korálů převážně z umělé pryskyřice) za předpokladu, že žádný z uvedených předmětů nebude podroben clu podle druhé výhrady k paragrafu 1503 tarifního zákona z roku 1930 sazbou vyšší než 50% z kterékoliv sazby, které by bylo použito podle této výhrady v případě, že nebylo použito snížení cla podle zmocnění článku 350. uvedeného zákona s dodatkem.	40% z hodnoty
1510	Knošičky výslovně nejmenované, zcela nebo hodnotou převážně ze sloučeniny kaseinu, známé jako galalith nebo pod jiným jménem, v ceně vyšší než 60 centů za veletučet	35% z hodnoty

## SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1510	Buttons not specially provided for, wholly or in chief value of wood	35% ad val.
1510	Buttons not specially provided for, wholly or in chief value of glass	25% ad val.
1526 (a)	Hats, caps, bonnets, and hoods, for women's and girls' wear, untrimmed, including bodies, hoods, plateaux, forms, or shapes, for such hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals; any of the foregoing having a pile or nap finish known as velour, suede, or soleil, valued at more than \$9 and not more than \$18 per dozen	45% ad val.
1527 (c) (2)	Ladies' handbags, valued above 20 cents but not above \$5 per dozen pieces, finished or unfinished, set with and in chief value of rhinestones	$\frac{1}{2}\%$ each and $\frac{1}{10}\%$ per dozen for each 1¢ the value exceeds 20¢ per dozen, and 25% ad val.
1527 (c) (2)	Buckles valued above 20 cents but not above \$5 per dozen pieces, finished or unfinished, composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate)	$\frac{1}{2}\%$ each and $\frac{1}{10}\%$ per dozen for each 1¢ the value exceeds 20¢ per dozen, and 25% ad val.
1528	Imitation precious stones, cut or faceted, and imitation semiprecious stones, faceted, not specially provided for	10% ad val.
1528	Imitation precious stones, not cut or faceted, imitation semiprecious stones, not faceted, and imitations of opaque precious or semiprecious stones, with flat backs and tops, cut and polished, but not faceted, and not specially provided for	30% ad val.
1530 (e)	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for:	
	Sewed or stitched by the process or method known as McKay	20% ad val.
	Having molded soles laced to uppers	10% ad val.
	Other (except turn or turned boots and shoes; boots, shoes, and other footwear made by the process or method known as welt; and moccasins)	20% ad val.
	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon, or other synthetic textile, silk, or substitutes for any of the foregoing, and the soles of which are composed wholly or in chief value of leather	25% ad val.

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1510	Knošifky výslovně nejmenované, zcela nebo hodnotou převážně ze dřeva	35% z hodnoty
1510	Knošifky výslovně nejmenované, zcela nebo hodnotou převážně ze skla	25% z hodnoty
1526(a)	Ženské a dívčí klobouky, čepice, čapky a šišáky nezdobené, ve vlasové úpravě, včetně kapelínů, šišáků, plateaux, forem nebo tvarů k výrobě takových klobouků nebo čapek, vyrobených zcela nebo hodnotou převážně ze srsti králíci, bobří nebo z jiných zvířat; všechno uvedené zboží ve vlasové úpravě, známé podle jménem velour, suede nebo soleil v ceně vyšší než 9 dolarů a ne vyšší než 18 dolarů za tučet	45% z hodnoty
1527(c)(2)	Dámské kabelky, v ceně nad 20 centů, ale ne vyšší než 5 dolarů za tučet kusů, dohotovené nebo nedohotovéné, vystrojené chatony a hodnotou převážně ze chatonů	½ centu za kus a za každý 1 cent, o který hodnota převyšuje 20 centů za tučet ¼ centu za tučet a 25% z hodnoty
1527(c)(2)	Přezky v ceně vyšší než 20 centů, ale ne vyšší než 5 dolarů za tučet kusů, dohotovené nebo nedohotovéné, vyrobené zcela nebo hodnotou převážně z jiného kovu než ze zlata nebo platiny (bud smaltované nebo nesmaltované, prané nebo neprané, pokryté nebo nepokryté, plátované nebo neplátované i povlečené liskovým zlatem)	½ centu za kus a za každý 1 cent, o který hodnota přesahuje 20 centů za tučet, ¼ centu za tučet a 25% z hodnoty
1528	Napodobeniny drahokamů, broušené nebo facetované, a napodobeniny polodrahokamů, facetované, výslovně nejmenované	10% z hodnoty
1528	Napodobeniny drahokamů, nebroušené a nefacetované, napodobeniny polodrahokamů, nefacetované, a napodobeniny opakových drahokamů a polodrahokamů, se spodní a vrchní stranou plochou, broušené a leštěné, ale nefacetované, výslovně nejmenované	30% z hodnoty
1530 (e)	Boty, střevíce nebo jiná obuv (včetně atletických a sportovních bot a střeviců), vyrobená zcela nebo hodnotou převážně z kůže, výslovně nejmenovaná:	
	šitá nebo stehovaná způsobem nebo metodou známou jako McKay	20% z hodnoty
	obuv s formovanými podešvemi připlepenými ke svrškům	10% z hodnoty
	Ostatní (s výjimkou bot a střeviců obracených; s výjimkou bot, střeviců a jiné obuvi vyrobené způsobem nebo metodou známou jako rámová; a s výjimkou mokasinů)	20% z hodnoty
	Boty, střevíce nebo jiná obuv (včetně atletických nebo sportovních bot a střeviců), se svršky vyrobenými zcela nebo hodnotou převážně z vlny, bavlny, ramie, zvířecích chlupů, vláken, z umělého hedvábí nebo z jiných umělých tkanin, z hedvábí nebo z náhražek uvedených přediv, s podešvemi zcela nebo hodnotou převážně z kůže	25% z hodnoty

## SCHEDULE II—Continued

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1530 (e)—Con.	<i>Provided</i> , That, if in any calendar year the total quantity of boots, shoes, or other footwear, made wholly or in chief value of leather or with soles composed wholly or in chief value of leather, provided for in item 1530 (e) of this Schedule, entered, or withdrawn from warehouse, for consumption exceeds in the aggregate 1.25 percent of the average of the annual domestic production of boots, shoes, and slippers, other than rubber, as reported by the Bureau of the Census for the five preceding years, the Government of the United States of America and the Government of Czechoslovakia shall promptly enter into consultation, with a view to reaching an agreement as to whatever measures may be deemed appropriate, and if, within 60 days after the two Governments enter into consultation, such an agreement has not been reached, the Government of the United States of America shall have the right to increase the rate or rates of duty on any or all of the articles provided for in item 1530 (e) of this Schedule entered, or withdrawn from warehouse, for consumption in any calendar year in excess of 1.25 percent of the average of the annual domestic production of boots, shoes, and slippers, other than rubber, as reported by the Bureau of the Census for the five preceding years.	
1532 (a)	Women's and children's gloves, wholly or in chief value of leather, whether wholly or partly manufactured, when machine seamed, but not lined, and not trimmed with fur, and not over twelve inches in length:	
	Overseamed	\$5 per doz. prs.
	Other than overseamed	\$5 per doz. prs. plus \$1 additional per doz. prs.
	and for each inch or fraction thereof in excess of twelve inches	25¢ per doz. prs.
	<i>Provided</i> , That all the foregoing shall be dutiable at not less than	50% ad val.
1541 (a)	Brass-wind musical instruments with cup mouthpieces, and parts thereof, not specially provided for	40% ad val.
1544	Rosaries, chaplets, and similar articles of religious devotion, of whatever material composed (except if made in whole or in part of gold, silver, platinum, gold plate, silver plate, or precious or imitation precious stones), valued at not more than \$1.25 per dozen	10% ad val.
1549 (a)	Pencils of paper, wood, or other material not metal, filled with lead or other material, and pencils of lead, not specially provided for	50¢ per gross and 15% ad val.
1718	Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof showing that they are in no way artificially prepared and are only the product of a designated mineral spring	Free

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- 1530 (e)—Pokrač. *Za předpokladu, že by v některém kalendářním roce celkové množství bot, stěvíců a jiné obuvi, zcela nebo hodnotou převážně z kůže nebo s podešvemi zcela nebo hodnotou převážně z kůže, uvedených v položce 1530 (e) tohoto seznamu, prohlášené k vycelení do volného oběhu při dovozu nebo při výdeji z celního skladu, bylo podle hlášení Bureau of Census za pět předchozích let celkem vyšší než 1.25 % průměrné roční domácí výroby bot, stěvíců a dámských stěvíců (slippers), jiných než gumových, vlády republiky Československé a Spojených Států Amerických zahájí neprodleně jednání k dosažení dohody o přiměřených a vhodných opatřeních. Nedojde-li k dohodě do 60 dnů po zahájení jednání obou vlád, vláda Spojených Států Amerických bude mít právo zvýšiti celní sazbu nebo sazby na některé nebo na všechno zboží uvedené v položce 1530 (e) tohoto seznamu, prohlášené k vycelení do volného oběhu při dovozu nebo při výdeji z celního skladu, v některém kalendářním roce, které převyšuje podle hlášení Bureau of Census za pět předchozích let 1.25 % průměrné roční domácí výroby bot, stěvíců a dámských stěvíců (slippers), jiných než gumových.*
- 1532 (a) Rukavice, ženské a dětské, zcela nebo hodnotou převážně z kůže, zcela nebo z části hotové, strojem obšité, bez podšívky, koženinou nelemované a v délce do dvanácti palců:
- |  |   |
|--|---|
| obšíváné   | 5 dolarů za tučet párů                                    |
| jiné než obšíváné  | 5 dolarů za tučet párů s přírůžkou 1 dolaru za tučet párů |
| a za každý palec délky neb jeho zlomek přes dvanáct palců délky              | 25 centů za tučet párů                                    |
| za předpokladu, že všechno předchozí zboží nebude vylčíváno nižší sazbou než | 50 % z hodnoty  |
- 1541 (a) Mosazné hudební nástroje dechové s nálevkovitými nátrubky a jejich součástky, výslovně nejmenované
- 40 % z hodnoty
- 1544 Malé i velké ručence, a podobné devocionálie, vyrobené z jakéhokoliv materiálu (s výjimkou těch, které jsou zcela nebo částečně zhotoveny ze zlata, stříbra, platiny, zlatem nebo stříbrem plátované nebo z drahokamů nebo z napodobenin drahokamů), v ceně do 1.25 dolarů za tučet
- 10 % z hodnoty
- 1549 (a) Tužky z papíru, dřeva nebo jiného materiálu, nikoli z kovu, plněné tuhou nebo jiným materiálem a olůvka, výslovně nejmenované
- 50 centů za veletučet a 15 % z hodnoty
- 1718 Minerální soli, které byly získány vypařením z minerálních vod, jsou-li doprovázeny řádně ověřeným osvědčením a dostačujícím průkazem o tom, že nejsou nijak uměle připraveny a jsou výlučným produktem označeného minerálního pramene
- beze cla

# **PROTOCOL**

# **PROTOKOL**

At the time of signing this Agreement, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have agreed to the following provisions:

## **Ad Schedule I-Section A**

### **1. *Tariff Number 10:***

Wine berries and grapes, dried, when packaged for retail sale, shall also be subject to the agreed rate of Kč 180 per 100 kilograms.

### **2. *Tariff Number 37:***

The fee for phytopathological inspection of pears and apples, the growth and produce of the United States of America, packed in cases, crates, and barrels, and imported from the United States, shall not be higher than Kč 1.10 per 100 kilograms.

### **3. *Tariff Number 38:***

Plums, dried, when packaged for retail sale, shall also be subject to the agreed rate of Kč 40 per 100 kilograms.

### **4. *Tariff Number 39:***

Fruit, not specially provided for, dried, when packaged for retail sale, shall also be subject to the agreed rate of Kč 60 per 100 kilograms.

### **5. *Tariff Numbers 10, 38, 39:***

Dried fruit, the growth and produce of the United States of America, principally from California, containing up to 2000 milligrams of sulphur dioxide in 1 kilogram of dried fruit, shall not be withheld from trade as harmful to health, provided it complies with other principles and regulations of the Czechoslovak Codex alimentarius, especially with regard to marking.

### **6. *Tariff Number 131:***

Tomato sauces shall be classified as preserved tomatoes. Veg-

Při podpisu této dohody podepsaní plnomocníci, řádně zmocnění svými vládami, dohodli se na těchto ustanoveních:

## **K seznamu I.-Část A.**

### **1. *Saz. čís. 10:***

Vinné bobule a hrozny, sušené, požívají sjednané sazby Kč 180.- za 100 kg, i jsou-li baleny pro drobný prodej.

### **2. *Saz. čís. 37:***

Poplatek vybíraný za fytopatologickou prohlídku hrušek a jablek pocházejících a přicházejících ze Spojených Států Amerických a balených v bednách, polobednách a sudech nebude při dovozu ze Spojených Statu vyšší než Kč 1.10 za 100 kg.

### **3. *Saz. čís. 38:***

Švestky sušené požívají sjednané sazby Kč 40.- za 100 kg, i jsou-li baleny pro drobný prodej.

### **4. *Saz. čís. 39:***

Ovoce výslovně nejmenované, sušené, požívá sjednané sazby Kč 60.- za 100 kg, i je-li baleno pro drobný prodej.

### **5. *Saz. čís. 10, 38, 39:***

Sušené ovoce původem ze Spojených Států Amerických, zejména z Kalifornie, s obsahem až 2000 mg kysličenku siřičitého v 1 kg sušeného ovoce, nebude v obchodě pozastavováno jako zdraví škodlivé, vyhovuje-li ostatním zásadám a předpisům potravního kodexu československého, zejména pokud se týče jeho označení.

### **6. *Saz. čís. 131:***

Omáčky z rajských jablek vy-  
cívají se jako konzervy z rajských

etable sauces and vegetable juices jablek. Zeleninové omáčky a for drinking purposes shall be šťávy zelenin k pití vylčívají se classified as liquid vegetable pre- jako jiné konzervy zelenin, tekuté. serves.

7. *Tariff Number 134:*

Boards for the manufacture of skis shall be dutiable under this tariff number even when sealed at both ends with paraffin, et cetera.

7. *Saz. čís. 134:*

Prkénka k výrobě lyží vylčívají se podle tohoto sazebního čísla, i jsou-li na obou koncích napouštěna parafinem a pod.

8. *Tariff Number 181:*

Linters, freed from grease, bleached, but not shaped, shall be dutiable under tariff number 180.

8. *Saz. čís. 181:*

Lintry odtučněné, bílené, avšak netvářené, vylčívají se pod saz. čís. 180.

9. *Tariff Number 337:*

Note 1. Cuttings and other waste of leather classified under Numbers 329, 330, 333-337, shall not be considered as sorted even when they are of the same kind or the same color.

9. *Saz. čís. 337:*

Poznámka 1. Odřezky a jiné odpadky usní čís. 329, 330, 333-337 nepovažují se za tříděny, i jsou-li stejného druhu nebo stejné barvy.

10. *Tariff Item 539 a):*

Electric refrigerating units are composed of an electric motor joined with a compressor fitted with a condenser. The complete unit may be equipped with an automatic electric cut-in and cut-out and with a fan, and is regularly mounted on a base.

10. *Saz. pol. 539 a):*

Elektrické chladicí agregáty se skládají z elektromotoru spojeného s kompresorem, u něhož je namontován kondenzátor. Celek může být vybaven automatickým zapínáním a vypínáním elektrického proudu a ventilátorem a je zpravidla namontován na nosném spodku.

11. *Tariff Number 553 b) and c):*

The concession in respect of replacement parts of passenger automobile chassis or truck chassis is limited to single replacement parts only for the repair of passenger automobile chassis or truck chassis already imported into Czechoslovakia.

11. *Saz. pol. 553 b) a c):*

Ústupky poskytnuté na náhradní součástky chasis osobních nebo nákladních automobilů jsou omezeny na jednotlivé náhradní součástky pouze k opravě chasis osobních nebo nákladních automobilů do republiky Československé již dovezených.

12. *Tariff Number 554 a):*

The concession in respect of replacement parts of automobile engines is limited to single replacement parts only for the repair of automobile engines already imported into Czechoslovakia.

12. *Saz. pol. 554 a):*

Ústupky poskytnuté na náhradní součástky automobilových motorů jsou omezeny na jednotlivé náhradní součástky pouze k opravě automobilových motorů do republiky Československé již dovezených.

## Ad Schedule I—Section B

## K seznamu I.—Část B.

13. *Tariff Number 89:*

The ratio between the tariff rates on raw lard and rendered lard shall not exceed 3 to 4.

13. *Saz. čís. 89:*

Poměr mezi celními sazbami na vepřové sádlo syrové a vyškvařené nebude horší než tři ku čtyřem.

14. *Tariff Number 553 b) and c):*

In granting to the United States of America the annual quota of 1600 passenger automobiles complete, or passenger automobile chassis complete, automobile trucks complete, or automobile truck chassis complete, the Government of the Czechoslovak Republic has taken into consideration the present economic conditions affecting the Czechoslovak automotive industry. Should these economic conditions be materially altered so as to jeopardize seriously the Czechoslovak automotive industry, the Government of the Czechoslovak Republic reserves the right to request the Government of the United States of America to reopen negotiations in order to adapt this quota to the changed conditions, and if within sixty days after the receipt of such request a satisfactory agreement has not been reached, the Government of the Czechoslovak Republic shall have the right to terminate this Agreement in its entirety on thirty days' written notice.

14. *Saz. čís. 553 b) a c):*

Přiznávajíc Spojeným Státům Americkým roční kontingent 1600 úplných osobních automobilů nebo úplných chassis k osobním automobilům, úplných nákladních automobilů nebo úplných chassis k nákladním automobilům, vláda republiky Československé měla na zřeteli nynější hospodářské poměry ovlivňující československý automobilový průmysl. Kdyby se nynější hospodářské poměry podstatně změnily tak, že by tím byl vážně ohrožen československý automobilový průmysl, vláda republiky Československé si vyhrazuje právo požádati vládu Spojených Států Amerických o znovuzahájení jednání za účelem přizpůsobení kontingentu změněným poměrům. Nedojde-li do 60 dnů po přijetí této žádosti k uspokojivé dohodě, vláda republiky Československé bude míti právo vypovědět celou tuto dohodu se třicetidenní písemnou výpovědí.

15. *Tariff Number 553 b) and c):*

The quota of 1,600 units shall be applicable only in respect of complete motor vehicles or complete chassis as defined by the Government of the Czechoslovak Republic.

15. *Saz. pol. 553 b) a c):*

Kontingent 1600 kusů bude platiti pouze na úplná motorová vozidla nebo úplné chassis, jak bude stanoveno vládou republiky Československé.

For the President of the United States of America:

CORDELL HULL [SEAL]

For the President of the Czechoslovak Republic:

V. S. HURBAN [SEAL]



Supplemental notes.

WHEREAS the said Agreement was supplemented by two notes addressed to the Secretary of State of the United States of America by the Minister of the Czechoslovak Republic at Washington, dated March 7, 1938, one relating to the purchase of certain types of leaf tobacco of United States origin and provenance by the Czechoslovak Tobacco Monopoly and the quantitative restriction which the Government of the Czechoslovak Republic might establish on wheaten flour, and the other relating to the policies and intentions of the Government of the Czechoslovak Republic in respect of closer mutual economic cooperation between the Danubian countries, which notes are word for word as follows:

“CZECHOSLOVAK LEGATION

WASHINGTON, D. C.

*March 7, 1938.*

EXCELLENCY:

“With reference to Article IX of the Trade Agreement signed this day on behalf of the United States of America and the Czechoslovak Republic, I have the honor to inform Your Excellency that pursuant to the understanding reached in the course of the negotiations of the said Agreement, the Czechoslovak Tobacco Monopoly will make every effort to increase the purchases of leaf tobacco of United States origin and provenance, particularly those types used for cigarettes.

“The Government of the Czechoslovak Republic also engages that any quantitative restriction it may establish on imports of wheaten flour shall take the form of an unallocated global quota, which shall be announced and shall be administered in such a way as to permit the full utilization thereof on a fair and equitable basis as between exporters in the several supplying countries.

“Accept, Excellency, the renewed assurances of my highest consideration.

V. S. HURBAN

His Excellency,  
The Honorable CORDELL HULL,  
Secretary of State,  
*Washington, D. C.*”

“CZECHOSLOVAK LEGATION

WASHINGTON, D. C.

*March 7, 1938.*

EXCELLENCY:

“During the course of the negotiation of the trade agreement signed this date, and with direct reference to Paragraph 4 of Article XIV thereof, the Czechoslovak delegation set forth the policies and intentions of the Government of the Czechoslovak Republic in respect of closer mutual economic cooperation between the Danubian countries. It was explained that:

“1. These advantages will be granted only for the purpose of stimulating the flow of commerce in the Danubian area.

“2. It is the intention of the Government of the Czechoslovak Republic to substitute for the system of quota and other advantages

now accorded to the Danubian countries, a system of special tariff advantages.

"3. The advantages granted by the Government of the Czechoslovak Republic will not be excessive and will be effected through the reduction of existing restrictions in favor of the Danubian countries, rather than by the imposition of new or greater limitations on the commerce of the United States.

"4. The Government of the Czechoslovak Republic will immediately inform the Government of the United States of America if and when any changes are made in the present special advantages.

"Accept, Excellency, the renewed assurances of my highest consideration.

V. S. HURBAN

His Excellency,  
The Honorable CORDELL HULL,  
Secretary of State,  
*Washington, D. C.*"

Modifications, etc.

WHEREAS such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are set forth and provided for in the said Agreement, the two Schedules thereunto annexed, the accompanying Protocol, and the said notes, are required and appropriate to carry out the said Agreement;

WHEREAS it is provided in Article XIX of the said Agreement that it shall be proclaimed by the President of the United States of America and shall be ratified by the President of the Czechoslovak Republic after the declaration of approval by the National Assembly of the Czechoslovak Republic;

WHEREAS it is further provided in the said Article XIX that pending ratification of the Agreement by the President of the Czechoslovak Republic, the Agreement shall be applied provisionally by the United States of America and the Czechoslovak Republic on and after April 16, 1938, subject to the provisions of Article VII, Article VIII, Article XII, Article XVII, numbered paragraph 14 of the Protocol, and the third paragraph of Article XIX, and that the Agreement shall come definitively into force thirty days after the exchange of the proclamation of the President of the United States of America and the instrument of ratification of the President of the Czechoslovak Republic;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim the said Agreement, including the said Schedules, Protocol, and notes, to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after April 16, 1938, pending ratification of the Agreement by the President of the Czechoslovak Republic and that the Agreement and every part thereof

48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

including the said Schedules, Protocol, and notes, may further be so observed and fulfilled thirty days after the exchange of this my Proclamation for the ratification of the President of the Czechoslovak Republic, as provided for in Article XIX of the Agreement.

Pursuant to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties herein proclaimed is to be suspended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of March, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

# A PROCLAMATION

WHEREAS, pursuant to the provisions of Section 350 of the Tariff Act of 1930, as amended (U. S. C., 1934 ed., title 19, secs. 1351, 1352; U. S. C. Supp. III, title 19, sec. 1352), I entered into a foreign trade agreement on March 7, 1938, through my duly empowered Plenipotentiary, with the President of the Czechoslovak Republic, through his duly empowered Plenipotentiary;

WHEREAS, on March 15, 1938, in accordance with certain provisions in Article XIX of the said Agreement, and acting under the authority conferred by the said Section 350 of the Tariff Act of 1930, as amended, I proclaimed the said Agreement, including two Schedules annexed thereto, an accompanying Protocol, and two supplementary notes, in order that the Agreement and every part thereof should be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after April 16, 1938, pending ratification of the Agreement by the President of the Czechoslovak Republic, and in order that the Agreement and every part thereof, including the said Schedules, Protocol, and notes, should further be so observed and fulfilled thirty days after the exchange of my Proclamation of the Agreement for the ratification of the President of the Czechoslovak Republic, as provided for in Article XIX of the Agreement;

WHEREAS, by a Protocol of Amendment signed on April 15, 1938, I have agreed, through my duly empowered Plenipotentiary, with the President of the Czechoslovak Republic, through his duly empowered Plenipotentiary, on certain amendments to the said Agreement, which Protocol of Amendment is in words and figures as follows:

48 Stat. 943; 50 Stat. 24.  
19 U. S. C. § 1351; Supp. IV, § 1352 (c).

Protocol of Amendment.  
Preamble.  
48 Stat. 943; 50 Stat. 24.  
19 U. S. C. § 1351; Supp. IV, § 1352 (c).

**PROTOCOL OF AMENDMENT TO THE TRADE AGREEMENT  
BETWEEN THE UNITED STATES OF AMERICA AND THE  
CZECHOSLOVAK REPUBLIC SIGNED MARCH 7, 1938**

Designated amend-  
ments.

The President of the United States of America and the President of the Czechoslovak Republic, having resolved to amend the Trade Agreement between the two countries signed at Washington on the 7th day of March 1938, have through their respective Plenipotentiaries agreed on the following Articles:

**ARTICLE I**

*Ante*, p. 2314.

1. The description of articles set forth as Items ex 365 and ex 366 in Schedule I of the Trade Agreement between the United States of America and the Czechoslovak Republic signed on March 7, 1938 is hereby amended to read as follows:

(ex 365) Cork bricks:

Insulating materials, shaped, of infusorial earth mixed with asbestos, hair, sawdust, and similar materials

(ex 366) Cork stoppers, soles, and similar articles, also combined with common materials:

Insulating materials, shaped, of infusorial earth mixed with asbestos, hair, sawdust, and similar materials, combined with common materials

*Ante*, p. 2324.

2. The description of articles and the rates of duty set forth as Item 219 in Schedule II of the said Trade Agreement are hereby amended to read as follows:

Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used:

Not exceeding 150 square inches	6¼¢ per lb.
Above that, and not exceeding 384 square inches	1¼¢ per lb.
Above that, and not exceeding 720 square inches	1½¢ per lb.
Above that, and not exceeding 864 square inches	1¾¢ per lb.
Above that, and not exceeding 1,200 square inches	1¾¢ per lb.
Above that, and not exceeding 2,400 square inches	1¾¢ per lb.
Above that	1¾¢ per lb.

*Provided*, That none of the foregoing weighing less than sixteen ounces but not less than twelve ounces per square foot shall be subject to a less rate of duty than

30% ad val.

*Provided further*, That the foregoing rates shall not apply as basic duties to glass subject to an additional duty under paragraph 224 of the Tariff Act of 1930.

**DODATKOVÝ PROTOKOL K OBCHODNÍ DOHODĚ PODEPSANÉ 7. BŘEZNA 1938 MEZI SPOJENÝMI STÁTY AMERICKÝMI A REPUBLIKOU ČESKOSLOVENSKOU**

President Spojených Států Amerických a president republiky Československé dohodnouce se doplniti obchodní dohodu mezi oběma státy, podepsanou ve Washingtoně dne 7. března 1938, dohodli se svými příslušnými plnomocníky na těchto člancích:

**ČLÁNEK I.**

1. Pojmenování zboží, vyjmenovaného v položkách ex 365 a ex 366 seznamu I k obchodní dohodě mezi Spojenými Státy Americkými a republikou Československou, podepsané 7. března 1938 se tímto upravuje takto:

(ex 365) Korkové cihly:

hmoty isolační tvášené z křeménky promísené osinkem, chlupy, drtinami a podobné

(ex 366) Korkové zátky, podešve a podobné zboží, též spojené s obyčejnými hmotami:

hmoty isolační tvášené z křeménky promísené osinkem, chlupy, drtinami a podobné, spojené s obyčejnými hmotami

2. Pojmenování zboží a celní sazby uvedené v položce 219 k seznamu II k zmíněné obchodní dohodě se tímto upravuje takto:

Válcované, ploché a tabulové sklo, jakýmkoli způsobem vyráběné a k jakémukoliv účelu:

nepřesahuje-li sto padesát čtverečních palců  $9\frac{3}{4}$  centu za libru

nad to a nepřesahuje-li tři sta osmdesát čtyři čtverečních palců  $1\frac{1}{4}$  centu za libru

nad to a nepřesahuje-li sedm set dvacet čtverečních palců  $1\frac{1}{4}$  centu za libru

nad to a nepřesahuje-li osm set šedesát čtyři čtverečních palců  $1\frac{3}{4}$  centu za libru

nad to a nepřesahuje-li jeden tisíc dvě stě čtverečních palců  $1\frac{3}{4}$  centu za libru

nad to a nepřesahuje-li dva tisíce čtyři sta čtverečních palců  $1\frac{3}{4}$  centu za libru

nad to  $1\frac{3}{4}$  centu za libru

za předpokladu, že uvedené druhy skla váží méně než 16 uncí, ale ne méně než 12 uncí na čtvereční stopu, nebudou podrobeny nižší celní sazbě než 30 0/0 z hodnoty

za dalšího předpokladu, že uvedených zde sazeb nebude použito jako základních cel pro sklo podrobené přírážkovému clu podle paragrafu 224 tarifního zákona z roku 1930.

*Ante*, p. 2332.

3. Paragraph numbered 6 of the Protocol accompanying the said Trade Agreement signed on March 7, 1938 is hereby amended by striking out the following words: "and vegetable juices for drinking purposes".

*Ante*, p. 2333.

4. Paragraph numbered 11 of the Protocol accompanying the said Trade Agreement signed on March 7, 1938 is hereby amended by adding at the end of the said paragraph the following sentence:

The Government of the Czechoslovak Republic shall define what constitutes a complete motor vehicle or complete chassis.

#### ARTICLE II

*Application.*

This Protocol of Amendment shall be applied provisionally, come into force definitively, remain in force, and be subject to termination as an integral part of the Trade Agreement signed on March 7, 1938.

*Signatures.*

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed their seals hereto.

DONE in duplicate, in the English and Czechoslovak languages, both authentic, at the city of Washington, this 15th day of April 1938.

For the President of the United States of America:

CORDELL HULL [SEAL]

For the President of the Czechoslovak Republic:

V. S. HURBAN [SEAL]

3. Číslovaný odstavec 6 Protokolu, připojeného k zmíněné obchodní dohodě, podepsané 7. března 1938 se tímto upravuje vynecháním těchto slov: “a šťávy zelenin k pití”.

4. Číslovaný odstavec 11 Protokolu, připojeného k zmíněné obchodní dohodě, podepsané 7. března 1938 se tímto doplňuje připojením této věty na konci zmíněného odstavce:

Pojem úplného motorového vozidla nebo úplného chasis bude vymezen vládou republiky Československé.

## ČLÁNEK II.

Tento Dodatkový protokol vstoupí v prozatímní platnost, nabude definitivní účinnosti, zustane v platnosti a bude moci býti vypověděn jako nedílná část obchodní dohody podepsané 7. března 1938.

Čemuž na svědomí jmenovaní plnomocníci podepsali tento Protokol a připojili své pečeti.

Vyhotoveno dvojmo, v anglickém a československém znění, jež jsou obě autentická, v městě Washingtoně dne 15. dubna 1938.

Za presidenta Spojených Států Amerických:

CORDELL HULL [SEAL]

Za presidenta republiky Československé:

V. S. HURBAN [SEAL]

Modifications, etc.

WHEREAS such modifications of existing duties and other import restrictions as are set forth in the said Protocol of Amendment are required and appropriate to carry out the said Agreement as amended;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Section 350 of the Tariff Act of 1930, as amended, do hereby proclaim the said Protocol of Amendment and do further proclaim that my Proclamation of March 15, 1938 is amended accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of April in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

[SEAL]

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Termination of trade  
agreement.  
Preamble.  
48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing



customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS, pursuant to the said Tariff Act of 1930, as amended, I entered into a foreign Trade Agreement on March 7, 1938, with the President of the Czechoslovak Republic, which Agreement was amended by a Protocol of Amendment signed on April 15, 1938;

Trade agreement entered into March 7, 1938.  
*Ante*, p. 2263.  
Amended April 15, 1938.  
*Ante*, p. 2337.  
*Ante*, pp. 2336, 2342.

WHEREAS, by my Proclamations of March 15, 1938, and April 15, 1938, I did make public the said Trade Agreement, as amended by the said Protocol of Amendment, in order that the said Agreement as amended should be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after April 16, 1938;

WHEREAS the occupation of the Czechoslovak Provinces of Bohemia, Moravia and Slovakia by armed forces of Germany, and of the Province of Ruthenia by armed forces of Hungary and the assumption of de facto administrative control over these Provinces by Germany and Hungary renders impossible the present fulfillment by the Czechoslovak Republic of its obligations under the said Agreement;

Conditions rendering present fulfillment impossible.

WHEREAS this condition will obtain so long as such occupation and administration continue;

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim that my Proclamations of March 15, 1938, and April 15, 1938, shall be terminated in whole on the thirtieth day after the date of this my Proclamation.

Proclamation.

48 Stat. 943; 50 Stat. 24.  
19 U. S. C. § 1351; Supp. IV, § 1352 (c).  
*Ante*, pp. 2336, 2342.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-third day of March in the year of our Lord one thousand nine hundred and thirty-nine  
[SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

May 9, 1939

[E. A. S. No. 148]

*Agreement between the United States of America and Venezuela continuing in force the provisional commercial agreement of May 12, 1938. Effected by exchange of notes signed May 9, 1939; effective May 9, 1939.*

*The American Chargé d'Affaires ad interim (Scott) to the Venezuelan Minister for Foreign Affairs (Gil Borges)*

No. 140 LEGATION OF THE UNITED STATES OF AMERICA

*Caracas, May 9, 1939.*

EXCELLENCY:

Provisional commercial agreement with Venezuela, extension.

I have the honor to inform Your Excellency that I am authorized by my Government to confirm in the present note that, as a result of conversations with Your Excellency, it has been agreed to extend for the period of one year from the date of its expiration, or until the conclusion of a reciprocal trade agreement or treaty, or until denounced by one of the Parties by thirty days advance written notice, the *modus vivendi* concluded between the United States of America and the United States of Venezuela on May 12, 1938, which is inserted below:

52 Stat. 1493.

"Article I. Both Governments agree to concede reciprocally unconditional and unlimited most-favored-nation treatment in all that concerns customs duties and all accessory imposts, the manner of applying duties as well as the rules and formalities to which customs operations can be submitted.

"Article II. The provisions of the foregoing article shall not apply:

"1. To the advantages now accorded or which may hereafter be accorded by the United States of America or by the United States of Venezuela to adjacent countries in order to facilitate frontier traffic; nor shall it apply to advantages resulting from customs unions to which the United States of America or the United States of Venezuela may become a party.

"2. To the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another irrespective of any change in the political status of any territory or possession of the United States of America.

"3. To articles transshipped through Puerto Rico or the Virgin Islands and imported into Venezuela.

"Article III. The present agreement shall come into force on this date and shall remain in force for a period of one year or until superseded by a more comprehensive commercial agreement or until denounced by either country by advance written notice of not less than thirty days."

Accept, Excellency, the renewed assurances of my highest consideration.

WINTHROP R. SCOTT  
*Chargé d'Affaires ad interim*

His Excellency  
Dr. E. GIL BORGES,  
*Minister for Foreign Affairs,*  
*Caracas.*

*The Venezuelan Minister for Foreign Affairs (Gil Borges) to the American  
Chargé d'Affaires ad interim (Scott)*

ESTADOS UNIDOS DE VENEZUELA  
MINISTERIO DE RELACIONES EXTERIORES

*Dirección de Política Económica  
Sección de Economía*

No. 2.417-E

CARACAS, 9 de mayo de 1939.-

Señor ENCARGADO DE NEGOCIOS:

Tengo a honra informar a V. S. que estoy autorizado por mi Gobierno para confirmar por la presente nota que, como resultado de las conversaciones con V. S., hemos convenido en prorrogar por el período de un año contado desde su expiración, o hasta la conclusión de un convenio o tratado de reciprocidad comercial, o hasta que sea denunciado por una de las Partes, dando aviso a la otra por escrito con treinta días de anticipación, el *modus vivendi* concluido entre los Estados Unidos de Venezuela y los Estados Unidos de América, el 12 de mayo de 1938, que se inserta a continuación:

"Artículo 1º.—Ambos Gobiernos convienen en concederse recíprocamente el tratamiento ilimitado e incondicional de la nación más favorecida en todo lo relativo a derechos de aduana y a todos los impuestos accesorios, a los métodos de percepción de tales derechos, lo mismo que a las reglas y formalidades a que pueden estar sometidas las operaciones aduaneras.

Artículo 2º.—Las estipulaciones del artículo anterior no se aplicarán:

1. A las ventajas acordadas o que se acordaren en lo futuro por los Estados Unidos de Venezuela o por los Estados Unidos de América a países limítrofes a fin de facilitar el tráfico fronterizo; ni se aplicarán tampoco a las ventajas resultantes de uniones aduaneras de que puedan formar parte los Estados Unidos de Venezuela o los Estados Unidos de América.

2. A las ventajas acordadas o que se acordaren en lo futuro por los Estados Unidos de América, sus territorios o posesiones, o la Zona del Canal de Panamá, entre sí o a la República de Cuba. Las disposiciones de este párrafo continuarán aplicándose respecto de cualesquiera ventajas que ahora o después se acordaren entre sí los Estados Unidos de América, sus territorios o posesiones o la Zona del Canal de Panamá, con prescindencia de cualquier cambio en el estatuto político de cualquier territorio o posesión de los Estados Unidos de América.

3. A los artículos que se importen a Venezuela y que hayan sido trasbordados en Puerto Rico o en las Islas Vírgenes.

Artículo 3º.—El presente convenio entrará en vigor desde esta fecha, y permanecerá vigente por un período de un año, a menos que sea sustituido antes por un convenio comercial más extenso, o denunciado por uno de los países mediante notificación por escrito con treinta días de anticipación por lo menos.”

Sírvase aceptar V. S. las seguridades de mi muy distinguida consideración.

E GIL BORGES

Al Honorable Señor WINTHROP P. SCOTT,

*Encargado de Negocios ad interim*  
*de los Estados Unidos de América.*

*Presente.*—

[Translation]

UNITED STATES OF VENEZUELA  
MINISTRY FOR FOREIGN AFFAIRS

*Bureau of Economic Policy*  
*Economic Section*

No. 2.417-E

CARACAS, May 9, 1939.

Mr. CHARGÉ D'AFFAIRES:

I have the honor to inform you that I am authorized by my Government to confirm in the present note that, as a result of our conversations, it has been agreed to extend for the period of one year from the date of its expiration, or until the conclusion of a reciprocal trade agreement or treaty, or until denounced by one of the Parties by thirty days advance written notice, the *modus vivendi* concluded between the United States of Venezuela and the United States of America on May 12, 1938, which is inserted below:

“Article I. Both Governments agree to concede reciprocally unconditional and unlimited most-favored-nation treatment in all that concerns customs duties and all accessory imposts, the manner of applying duties as well as the rules and formalities to which customs operations can be submitted.

“Article II. The provisions of the foregoing article shall not apply:

“1. To the advantages now accorded or which may hereafter be accorded by the United States of Venezuela or by the United States of America to adjacent countries in order to facilitate frontier traffic; nor shall it apply to advantages resulting from customs unions to which the United States of Venezuela or the United States of America may become a party.

“2. To the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another irrespective of any change in the political status of any territory or possession of the United States of America.

“3. To articles transshipped through Puerto Rico or the Virgin Islands and imported into Venezuela.

“Article III. The present agreement shall come into force on this date and shall remain in force for a period of one year or until superseded by a more comprehensive commercial agreement or until denounced by either country by advance written notice of not less than thirty days.”

Accept, Sir, the assurances of my highest consideration.

E. GIL BORGES

The Honorable WINTHROP P. SCOTT,

*Chargé d'Affaires ad interim*

*of the United States of America.*

*City.*

November 17, 1938  
[E. A. S. No. 149]

*Agreement between the United States of America and Canada respecting reciprocal trade. Signed at Washington November 17, 1938; proclaimed by the President of the United States November 25, 1938; ratified by His Majesty in respect of Canada May 19, 1939; proclamation and ratification exchanged at Ottawa June 17, 1939; supplementary proclamation by the President of the United States June 17, 1939; Article IX applied provisionally on and after November 26, 1938; Articles I, VI, and VII applied provisionally on and after January 1, 1939; entire agreement effective June 17, 1939. And related notes, declaration, and proclamation.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Reciprocal trade  
agreement with Can-  
ada.

48 Stat. 943; 50 Stat.

24.

19 U. S. C. § 1351;

Supp. IV, § 1352 (c).

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Statutory provi-  
sions.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists.

The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS Section 304 of the Tariff Act of 1930, as amended by Section 3 of the Customs Administrative Act of 1938 (Public No. 721, 75th Congress), provides in part as follows:

52 Stat. 1077.  
19 U. S. C., Supp.  
IV, § 1304.

"(a) . . . The Secretary of the Treasury may by regulations—

Exceptions from  
marking require-  
ments.

"(3) Authorize the exception of any article from the requirements of marking if—

"(J) Such article is of a class or kind with respect to which the Secretary of the Treasury has given notice by publication in the weekly Treasury Decisions within two years after July 1, 1937, that articles of such class or kind were imported in substantial quantities during the five-year period immediately preceding January 1, 1937 and were not required during such period to be marked to indicate their origin: *Provided*, That this subdivision (J) shall not apply after September 1, 1938, to sawed lumber and timbers, telephone, trolley, electric-light, and telegraph poles of wood, and bundles of shingles; but the President is authorized to suspend the effectiveness of this proviso if he finds such action required to carry out any trade agreement entered into under the authority of the Act of June 12, 1934 (U. S. C., 1934 edition, title 19, secs. 1351-1354), as extended."

48 Stat. 943, 50 Stat.  
24.  
19 U. S. C. §§ 1351-  
1354; Supp. IV,  
§ 1352 (c).  
Promotion of foreign  
trade.

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and Canada are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a foreign trade agreement between the United States of America and Canada;

48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

WHEREAS reasonable public notice of the intention to negotiate such foreign trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

Notice given.

Trade Agreement  
entered into.

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a foreign Trade Agreement on November 17, 1938, through my duly empowered Plenipotentiary, with His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, through his duly empowered Plenipotentiary, which Agreement, including two Schedules annexed thereto, is in words and figures as follows:

Post, pp. 2357, 2378.

Purposes declared.

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada;

Desiring to facilitate and extend still further the commercial relations existing between the United States of America and Canada by granting reciprocal concessions and advantages for the promotion of trade;

Taking into account the absence of any restriction upon the settlement of commercial obligations arising out of the trade between the United States of America and Canada;

Former Trade  
Agreement replaced.  
49 Stat. 3900.

Have resolved to replace the Trade Agreement concluded between them on November 15, 1935, at Washington by a new and more comprehensive Agreement and have appointed for this purpose as their Plenipotentiaries:

Plenipotentiaries.

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India:

For Canada:

The Right Honorable W. L. Mackenzie King, Prime Minister, President of the Privy Council and Secretary of State for External Affairs of Canada;

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following articles:

## ARTICLE I

Most-favored-nation  
treatment.

1. The United States of America and Canada will grant each other unconditional and unrestricted most-favored-nation treatment in all matters concerning customs duties and subsidiary charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

2. Accordingly, articles the growth, produce or manufacture of either country imported into the other shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles the growth, produce or manufacture of any other foreign country are or may hereafter be subject.

3. Similarly, articles exported from the territory of the United States of America or Canada and consigned to the territory of the



other country shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like articles when consigned to the territory of any other foreign country are or may hereafter be subject.

4. Any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or Canada in regard to the above-mentioned matters, to any article originating in any other foreign country or consigned to the territory of any other foreign country shall be accorded immediately and without compensation to the like article originating in or consigned to the territory of Canada or the United States of America, respectively, and irrespective of the nationality of the carrier.

## ARTICLE II

1. No prohibition or restriction shall be imposed or maintained on the importation into either country of any article, from whatever place arriving, the growth, produce or manufacture of the other country, to which the importation of the like article the growth, produce or manufacture of any other foreign country is not similarly subject.

Imports.

2. No prohibition or restriction shall be imposed or maintained on the exportation of any article from either country to the other to which the exportation of the like article to any other foreign country is not similarly subject.

Exports.

## ARTICLE III

If imports of any article into either country should be regulated either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by that country in past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. In those cases in which the other country is a relatively large supplier of any such article, the Government of the country imposing the regulation shall, whenever practicable, consult with the Government of the other country before the share to be allocated to that country is determined.

Quantitative regulation; allocations.

## ARTICLE IV

1. If either country establishes or maintains a monopoly for the importation, production or sale of a particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment. To this end it is agreed that in making its foreign purchases of any product such monopoly or

Purchases by Government monopolies.

agency will be influenced solely by those considerations, such as price, quality, marketability, and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing such product on the most favorable terms.

Award of contracts  
for public works.

2. In awarding contracts for public works and in purchasing supplies, neither Government shall discriminate against articles the growth, produce or manufacture of the territories of the other country in favor of those of any other foreign country.

#### ARTICLE V

Internal taxation.

Articles the growth, produce or manufacture of the United States of America or Canada shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national origin or any other origin, except as otherwise required by laws in force on the day of the signature of this Agreement and subject to the limitations on the authority of either Government.

#### ARTICLE VI

Enumerated im-  
ports into Canada.  
*Post*, p. 2357.

1. Articles the growth, produce or manufacture of the United States of America enumerated and described in Schedule I annexed to this Agreement shall, on their importation into Canada, be exempt from ordinary customs duties in excess of those set forth in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of Canada in force on the day of the signature of this Agreement.

No excess duty, etc.

Schedule I included  
in Agreement.

2. Schedule I shall have full force and effect as an integral part of this Agreement.

#### ARTICLE VII

Specified imports  
from Canada.  
*Post*, p. 2378.

1. Articles the growth, produce or manufacture of Canada enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

No excess duty, etc.

Schedule II in-  
cluded in Agreement.

2. Schedule II shall have full force and effect as an integral part of this Agreement.

#### ARTICLE VIII

Charge equivalent  
to internal tax.

1. The provisions of Articles VI and VII of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect

of a commodity from which the imported article has been produced or manufactured in whole or in part.

2. Moreover, the provisions of Articles VI and VII shall not be construed to embrace such reasonable fees, charges or exactions, imposed at any time by the Government of either country in connection with the documentation of any shipment, as are commensurate with the cost of the services performed.

Documentation charges.

#### ARTICLE IX

Sawed lumber and timbers, telephone, trolley, electric-light, and telegraph poles of wood, and bundles of shingles, the growth, produce or manufacture of Canada, imported into the United States of America, shall not be required to be marked to indicate their origin in any case where the imported article is of the same class or kind as articles which were imported into the United States of America in substantial quantities during the five-year period immediately preceding January 1, 1937, and were not required during such period to be marked to indicate their origin.

Marking of origin of Canadian sawed lumber, etc.

#### ARTICLE X

1. No prohibition, restriction or any form of quantitative regulation, whether or not operated in connection with an agency of centralized control, shall be imposed or maintained in Canada on the importation or sale of any article the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, or in the United States of America on the importation or sale of any article the growth, produce or manufacture of Canada enumerated and described in Schedule II, except as otherwise expressly provided in the said Schedules.

Quantitative regulation.

*Post*, p. 2357.

*Post*, p. 2378.

2. The foregoing provision shall not apply to quantitative regulations in whatever form which may hereafter be imposed by the Government of either country on the importation or sale of any article the growth, produce or manufacture of the other, in conjunction with governmental measures or measures under governmental authority

Exceptions.

(a) operating to regulate or control the production, market supply, quality or price of the like article of domestic growth, production or manufacture; or

(b) operating to increase the labor costs of production of the like article of domestic growth, production or manufacture;

Provided, however, that the Government proposing to impose any such quantitative regulation shall have satisfied itself, in the case of measures described in subparagraph (a) of this paragraph, that such quantitative regulation is necessary to secure the effective operation of such measures, and, in the case of measures described in subparagraph (b), that such measures are causing the domestic production of the article concerned to be injuriously affected by imports which constitute an abnormal proportion of the total consumption of such article in relation to the proportion supplied in the past by foreign countries.

3. Whenever either Government proposes to impose or to effect a substantial alteration in any quantitative regulation authorized by the preceding paragraph, that Government shall give notice in writing to that effect to the other and shall, upon request, enter into consultation regarding the matter. If agreement is not reached within

Notice of proposed alteration.

thirty days after the receipt of the notice the Government giving it shall be free to impose or alter the regulation at any time, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on giving thirty days' notice in writing to that effect.

#### ARTICLE XI

Ad valorem duties.  
Determination of  
dutiable value.  
*Post*, pp. 2357, 2378.

In respect of articles the growth, produce or manufacture of the United States of America enumerated and described in Schedule I, imported into Canada, and of articles the growth, produce or manufacture of Canada enumerated and described in Schedule II, imported into the United States of America, on which ad valorem rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, the general principles on which dutiable value is determined in each of the importing countries on the day of the signature of this Agreement shall not be altered so as to impair the value of any of the concessions provided for in this Agreement.

#### ARTICLE XII

Enforcement of certain measures.

1. Nothing in this Agreement shall be construed to prevent the enforcement of such measures as the Government of either country may see fit to adopt

- (a) relating to the importation or exportation of gold or silver;
- (b) relating to the control of the import or export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies;
- (c) relating to neutrality or to public security; or
- (d) should that country be engaged in hostilities or war.

Provisions not extended to certain prohibitions, etc.; requirement.

2. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against articles the growth, produce or manufacture of the other country in favor of the like articles the growth, produce or manufacture of any other foreign country, the provisions of this Agreement shall not extend to prohibitions or restrictions

- (a) imposed on moral or humanitarian grounds;
- (b) designed to protect human, animal or plant health or life;
- (c) relating to prison-made goods; or
- (d) relating to the enforcement of police or revenue laws.

#### ARTICLE XIII

Modification where rate of exchange prejudicial.

If a wide variation should occur in the rate of exchange between the currencies of the United States of America and Canada, and if the Government of either country should consider the variation so substantial as to prejudice the industries or commerce of that country, it shall be free to propose negotiations for the modification of this Agreement; and if agreement with respect thereto is not reached within thirty days following receipt of such proposal, the Government making such proposal shall be free to terminate this Agreement in its entirety on thirty days' written notice.

#### ARTICLE XIV

Right to withdraw concessions reserved.

The Government of each country reserves the right to withdraw or to modify the concession granted on any article under this Agree-

ment, or to impose quantitative regulations on the importation of any such article if, as the result of the extension of such concession to other foreign countries, such countries obtain the major benefit of the concession, and if in consequence imports of the article concerned increase to such an extent as to threaten serious injury to domestic producers: Provided, That before any action authorized by the foregoing reservation is taken, the Government proposing to take such action shall give notice in writing to the other Government of its intention to do so, and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action.

*Previous written notice to be given.*

### ARTICLE XV

1. Should any measure be adopted by the Government of either country which, while not conflicting with the terms of this Agreement, appears to the Government of the other country to have the effect of nullifying or impairing any of the objects of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other may make, with a view to effecting a mutually satisfactory adjustment of the matter.

*Adjustments.*

2. The Government of each country will accord sympathetic consideration to, and when requested will afford adequate opportunity for consultation regarding, such representations as the other Government may make with respect to the operation of customs laws and regulations, quantitative restrictions on imports or the administration thereof, the observance of customs formalities, and the application of sanitary laws and regulations for the protection of human, animal or plant health or life.

*Mutual consideration of representations.*

3. In the event that the Government of either country makes representations to the Government of the other country in respect of the application of any sanitary law or regulation for the protection of human, animal or plant health or life, and if there is disagreement with respect thereto, a committee of technical experts on which each Government will be represented shall, on the request of either Government, be established to consider the matter and to submit recommendations to the two Governments.

*Sanitary regulations.*

### ARTICLE XVI

The provisions of this Agreement relating to the treatment to be accorded by the United States of America and Canada, respectively, to the commerce of the other country shall apply, on the part of the United States of America, to the continental territory of the United States and such of its territories and possessions as are included in its customs territory on the day of the signature of this Agreement. The provisions of this Agreement relating to most-favored-nation treatment shall apply, however, to all territories under the sovereignty or authority of the United States of America, other than the Panama Canal Zone.

*Scope of Agreement.*

### ARTICLE XVII

Except as otherwise provided in Article V of this Agreement:

(a) Nothing in the Agreement shall entitle the United States of America to claim the benefit of any treatment, preference or privilege

*Trade of Canada with other British territories, etc.*

which may now or hereafter be accorded by Canada exclusively to territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, or under His Majesty's protection or suzerainty.

U. S. trade with its possessions, Canal Zone, or Cuba.

Philippine Islands.

(b) Nothing in the Agreement shall entitle Canada to claim the benefit of any treatment, preference or privilege which may now or hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone exclusively to one another or to the Republic of Cuba. The provisions of this subparagraph shall continue to apply in respect of any benefits now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands, irrespective of any change in the political status of the Philippine Islands.

### ARTICLE XVIII

Agreement to be proclaimed.

1. The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada. It shall enter definitively into force on the day of the exchange of the instrument of ratification and a copy of the proclamation, which shall take place at Ottawa as soon as possible.

Provisional application of designated provisions.

2. Pending the definitive coming into force of this Agreement, the provisions of Article IX shall be applied provisionally on and after the day following the proclamation of the Agreement by the President of the United States of America, and the provisions of Article I, Article VI and Article VII shall be applied provisionally on and after January 1, 1939, subject to the reservations and exceptions elsewhere provided for in this Agreement.

Provisional suspension of designated Articles of, and date of termination of existing Agreement.

3. Upon the provisional application of Article I, Article VI and Article VII of the present Agreement, and during the continuance of such provisional application, the provisions of Article I, Article III and Article IV of the Trade Agreement concluded between the United States of America and Canada on November 15, 1935, at Washington shall be inoperative, and upon the definitive coming into force of the present Agreement the whole of the said Agreement of November 15, 1935, shall terminate.

49 Stat. 3960.

Duration.

4. Subject to the provisions of Article X and Article XIII, this Agreement shall remain in force for a term of three years from the date of the provisional application of Article IX, and, unless at least six months before the expiration of the aforesaid term of three years, the Government of either country shall have given notice to the other Government of intention to terminate the Agreement upon the expiration of that term, the Agreement shall remain in force thereafter, subject to the provisions of Article X and Article XIII, until six months from the date on which the Government of either country shall have given notice to the other Government of intention to terminate the Agreement.

Signatures.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Done in duplicate, at the City of Washington, this seventeenth day of November, 1938.

CORDELL HULL [SEAL]  
W. L. MACKENZIE KING. [SEAL]

## SCHEDULE I

(See Article VI)

**NOTE:** Articles the growth, produce or manufacture of the United States of America enumerated and described in this Schedule shall, on their importation into Canada, be exempt from the Special Excise Tax levied under Section 88 of the Special War Revenue Act as soon as the necessary legislation can be enacted.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Pro- duce or Manu- facture of the United States of America
6	Live hogs	per pound 1 ct.
7	Meats, fresh, n. o. p.—	
	ex (a) Edible offal of beef and veal	per pound 4 cts.
	ex (c) Pork	per pound 1½ cts.
9	Poultry and game, n. o. p.	15 p. c.
10	Meats, prepared or preserved, other than canned:—	
	(a) Bacon, hams, shoulders and other pork	per pound 1½ cts.
	(b) N. o. p.	per pound 3 cts.
16	Eggs in the shell	per dozen 5 cts.
42	Salt, in bulk, n. o. p.	per one hundred pounds 4 cts.
45	Milk foods, n. o. p.; prepared cereal foods, in packages not exceeding twenty-five pounds weight each	25 p. c.
46	Prepared cereal foods, n. o. p.	15 p. c.
ex 47	Lima beans, dried	per pound 1 ct.
ex 47	Soya beans, n. o. p.	Free
52	Barley, n. o. p.	per bushel 15 cts.
55	Indian corn, n. o. p.	per bushel 10 cts.
56	Oats	per bushel 8 cts.
57	Oatmeal and rolled oats	per one hundred pounds 50 cts.
63	Rice, cleaned	per one hundred pounds 70 cts.
	When in packages weighing two pounds, each, or less, the weight of such packages to be included in the weight for duty.	
71a	Timothy seed	per pound 1 ct.
ex 73	Broom corn seed, when in packages weighing more than one pound each	Free
74	Seeds, as hereunder, when in packages weighing more than one pound each:—	
	(i) Parsley and parsnip	per pound 2 cts.
	(ii) Beet, not including sugar beet	per pound 3 cts.
	(iii) Mangel and turnip	per pound 4 cts.
75	Seeds, as hereunder, when in packages weighing more than one pound each:—	
	(i) Radish, leek, lettuce, carrot, borecole or kale	per pound 3 cts.
	(ii) Cabbage and cucumber	per pound 5 cts.
76	Seeds, as hereunder, when in packages weighing more than one pound each:—	
	(i) Tomato and pepper	per pound 10 cts.
	(ii) Cauliflower	per pound 15 cts.
	(iii) Onion	per pound 20 cts.
76a	Root, garden and other seeds, n. o. p., when in packages weighing more than one pound each	per pound 5 cts.
76b	Seeds, viz.:—Field, root, garden and other seeds, when in packages weighing one pound each, or less	25 p. c.
79b	Flowers and foliage, natural, cut, whether in designs or bouquets or not, n. o. p.	25 p. c.
82	ex (a) Nut trees, including grafted stock, and buds and scions for grafting nut trees	Free

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
83	Potatoes, as hereunder defined:—	
	(a) In their natural state:—	
	August 1 to June 14, inclusive	Free
	June 15 to July 31, inclusive, per one hundred pounds	37½ cts.
	(c) Sweet potatoes and yams, in their natural state	Free
84	Onions, in their natural state:—	
	(a) Onion sets and shallots	30 p. c.
	* (b) Onions, n. o. p. (½ ct. per lb.)	30 p. c.
ex 85	* Mushrooms, fresh (2 cts. per lb.)	10 p. c.
87	Vegetables, fresh, in their natural state:—	
	* (a) Asparagus	10 p. c.
	(4 cts. per lb.: 10 weeks)	
	* (b) Beans, green	10 p. c.
	(1½ cts. per lb.: 14 weeks)	
	(c) Brussels sprouts	10 p. c.
	* (d) Cabbage	10 p. c.
	(½ ct. per lb.: 26 weeks)	
	* (e) Carrots	10 p. c.
	(½ ct. per lb.: 26 weeks)	
	* Beets, n. o. p.	10 p. c.
	(1 ct. per lb.: 26 weeks)	
	* (f) Cauliflower	10 p. c.
	(1½ cts. per lb.: 20 weeks)	
	Eggplant	Free
	* (g) Celery	10 p. c.
	(½ ct. per lb.: 26 weeks)	
	* (h) Cucumbers	10 p. c.
	(2 cts. per lb.: 20 weeks)	
	* (i) Lettuce	10 p. c.
	(½ ct. per lb.: 18 weeks)	
	(j) Parsley	10 p. c.
	* (k) Peas, green	10 p. c.
	(2 cts. per lb.: 12 weeks)	
	* (l) Rhubarb	10 p. c.
	(1 ct. per lb.)	
	(m) Spinach	10 p. c.
	(n) Tomatoes	10 p. c.
	but not less than, per pound	1½ cts.
	(o) Watercress	10 p. c.
	Whitloof or endive	Free
	Peppers, green	10 p. c.
	Radishes	10 p. c.
	Artichokes, horseradish and okra	Free
	(p) N. o. p.	10 p. c.
89	Vegetables, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty:—	
	(a) Beans, baked or otherwise prepared per pound	1½ cts.
	ex (b) Corn per pound	1½ cts.
	(c) Peas per pound	1½ cts.
	(d) N. o. p.	20 p. c.
90	Vegetables, prepared or preserved:—	
	(a) Dried, desiccated or dehydrated, including vege- table flour, n. o. p.	22½ p. c.
	(c) Vegetable extracts or juices, liquid mustards, soy and vegetable sauces of all kinds	27½ p. c.



Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Pro- duce or Manu- facture of the United States of America
92	Fruits, fresh, in their natural state:—	
	* (a) Apricots . . . March to December, inclusive (1½ cts. per lb.)	10 p. c.
	* (b) Cherries (3 cts. per lb.: 7 weeks)	10 p. c.
	(c) Cranberries but not less than, per pound	10 p. c. 1½ cts.
	* (d) Peaches . . . May to November, inclusive (1½ cts. per lb.: 9 weeks)	10 p. c.
	* (e) Pears . . . May to January, inclusive (1 ct. per lb.: 15 weeks)	10 p. c.
	* (f) Plums and prunes . . . May to November, inclusive (Plums: 1 ct. per lb.: 10 weeks) (Prunes: 1 ct. per lb.: 8 weeks)	10 p. c.
	* (g) Strawberries (1½ cts. per lb.: 6 weeks)	10 p. c.
	* Raspberries and loganberries (2 cts. per lb.: 6 weeks)	10 p. c.
	(h) Berries, edible, n. o. p.	10 p. c.
	(i) Quinces and nectarines . . . June to February, inclusive	10 p. c. 15 p. c.
93	* Apples, fresh, in their natural state (½ ct. per lb.)	
94	Grapes, fresh, in their natural state, the weight of the packages to be included in the weight for duty . . . July to January, inclusive	per pound 1 ct.
95	*Cantaloupes and muskmelons (1½ cts. per lb.: 8 weeks)	10 p. c.
95a	Melons, n. o. p.	each 2 cts.
96	Fruits, fresh, in their natural state, n. o. p.	10 p. c.
ex 96	Avocados or alligator pears	Free

*Provided:*

That, as regards such of those articles dutiable under tariff items 84, ex 85, 87, 92, 93 and 95, as are marked with an asterisk in this Schedule, Canada reserves the right to fix the value for duty at a figure exceeding the invoice value by not more than the amount set forth in the parentheses following the descriptions of the several articles;

The values so fixed shall not be maintained in force in any twelve months ending March 31 for a period in excess of the number of weeks set forth in the parentheses following the descriptions of the several articles; provided, however, as regards articles dutiable under sub-items (d) and (e) of tariff item 87, the number of weeks during which the value so fixed may be maintained in force may be divided into not more than two separate periods, the combined duration of which shall not exceed the number of weeks set forth in the parentheses following the descriptions of the articles;

*Provided further*, that Canada reserves the right, after consultation with the United States of America, to substitute, in whole or in part, for the system of protection of these fruits and vegetables by means of advances in values for duty purposes, a system of specific duties which shall not be more burdensome on imports from the United States of America than that provided for in this Agreement.

- 99a Plums or prunes, dried, unpitted per pound 1 ct.  
When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Pro- duce or Manu- facture of the United States of America
99b	Fruits, dried, desiccated, evaporated or dehydrated, n. o. p.	15 p. c.
99d	Dates, dried, unpitted, in bulk	per pound $\frac{1}{4}$ ct.
99f	Figs, dried	per pound $\frac{1}{4}$ ct.
	When in packages weighing two pounds each, or less, the weight of such packages to be included in the weight for duty.	
99g	Apricots, nectarines, pears and peaches, dried, desiccated, evaporated or dehydrated	22 $\frac{1}{4}$ p. c.
100a	Grape fruit, n. o. p.	per pound $\frac{1}{4}$ ct.
101	Oranges, n. o. p.:— December to April, inclusive	Free
	May to November, inclusive	per cubic foot 35 cts.
	Provided, that Canada reserves the right to substi- tute for the above item the following:—	
101	Oranges, n. o. p.:— January to July, inclusive	Free
	August to December, inclusive	per cubic foot 35 cts.
101a	Lemons	Free
ex 105b	Olives, ripe, in	
ex 105c	brine	10 p. c.
106	Fruits, prepared, in air-tight cans or other air-tight con- tainers, the weight of the containers to be included in the weight for duty:—	
	(a) Peaches	per pound 3 $\frac{1}{4}$ cts.
	Apricots and pears	per pound 3 cts.
	(b) Pineapples	per pound 3 cts.
	(c) N. o. p.	per pound 3 cts.
108	Honey, in the comb or otherwise, and imitations thereof	per pound 1 $\frac{1}{4}$ cts.
ex 109	Nuts of all kinds, n. o. p., but not including shelled peanuts, n. o. p.	per pound 1 ct.
ex 114	Nuts, shelled, n. o. p., but not including shelled almonds, peanuts or walnuts	per pound 2 cts.
115	Mackerel, herring, salmon and all other fish, n. o. p., fresh, salted, pickled, smoked, dried or boneless	per pound $\frac{1}{4}$ ct.
116	Halibut, fresh, pickled or salted	per pound 1 ct.
117	Fish livers, fresh, salted or in	
ex 133	preservative medium	Free
ex 123a	Shrimps in sealed containers	15 p. c.
124	Oysters, shelled, in bulk	per gallon 5 cts.
128	Oysters in the shell	15 p. c.
141	Sugar candy and confectionery, n. o. p., including sweet- ened gums, candied popcorn, candied nuts, flavouring powders, custard powders, jelly powders, sweetmeats, sweetened breads, cakes, pies, puddings and all other confections containing sugar, the weight of the wrap- pings and cartons to be included in the weight for duty	per pound $\frac{1}{4}$ ct. and 30 p. c.
143a	Cigarettes, the weight of the paper covering to be in- cluded in the weight for duty	per pound \$3.00 and 15 p. c.
ex 152	Fruit juices, n. o. p., not including lime, orange, lemon or passion fruit juices	15 p. c.
ex 152	Fruit syrups, n. o. p.	20 p. c.
ex 156	Whiskey (subject to the provisos attaching to tariff items 156 and 156a)	per gallon of the strength of proof \$6.00
ex 167	Barley malt, whole, crushed or ground, upon entry for warehouse subject to excise regulations	per pound $\frac{1}{4}$ ct.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
169	Books, viz.:—Novels or works of fiction, or literature of a similar character, unbound or paper bound or in sheets, but not to include Christmas annuals, or publications commonly known as juvenile and toy books	10 p. c.
ex 169	Books, periodicals and pamphlets, or parts thereof, printed, bound, unbound, or in sheets, (not to include blank account books, copy books, or books to be written or drawn upon) in any other than the English language	Free
ex 171		
ex 184		
ex 169	Periodical publications, unbound or paper bound, printed and issued at regular intervals, not less frequently than four times a year, and bearing dates of issue	Free
184a		
184b		
184c		
184d		
ex 174	Tourist literature issued by national or state governments or departments thereof, boards of trade, chambers of commerce, municipal and automobile associations, and similar organizations	Free
ex 178	Advertising and printed matter, whether imported by mail or otherwise, when in individual packages valued at not more than \$1.00 each and when not imported for sale or in a manner designed to evade payment of customs duties	Free
ex 178a		
179	Labels for cigar boxes, fruits, vegetables, meats, fish, confectionery or other goods or wares; shipping, price or other tags, tickets or labels, and railroad or other tickets, whether lithographed or printed, or partly printed, n. o. p.	27½ p. c.
180	Photographs, chromos, chromotypes, artotypes, oleographs, paintings, drawings, pictures, decalcomania transfers of all kinds, n. o. p., engravings or prints or proofs therefrom, and similar works of art, n. o. p.; blueprints, building plans, maps, and charts, n. o. p.	20 p. c.
181	Bank notes, bonds, bills of exchange, cheques, promissory notes, drafts and all similar work, unsigned, and cards or other commercial blank forms printed or lithographed, or printed from steel or copper or other plates, and other printed matter, n. o. p.	27½ p. c.
181a	Pictorial post-cards, greeting cards and similar artistic cards or folders	30 p. c.
ex 184	Newspapers, unbound, n. o. p.; tailors', milliners' and mantle-makers' fashion plates, when imported in single copies in sheet form with periodical trade journals	Free
187	Albumenized and other papers and films chemically prepared for photographers' use, n. o. p.	20 p. c.
192	Tarred paper and prepared roofings (including shingles), fibreboard, strawboard, sheathing and insulation, manufactured wholly or in part of vegetable fibres, n. o. p.; blotting paper, not printed nor illustrated	22½ p. c.
192b	Sandpaper, glass or flint paper, and emery paper or emery cloth	20 p. c.
192d	Electrical insulating pressboard, not less than .040 inch in thickness	12½ p. c.
195	Paper hanging or wall papers, including borders or bordering	30 p. c.
197	Paper of all kinds, n. o. p.	22½ p. c.
ex 197	Electric cable insulating paper, .0045 inch or less in thickness, and condenser tissue paper	10 p. c.
197b	Wrapping paper of all kinds, not pasted, coated or embossed	25 p. c.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
198	Ruled and border and coated papers, boxed papers, pads not printed, papier-mâché ware, n. o. p.	27½ p. c.
199	Papeteries, envelopes, and all manufactures of paper, n. o. p.	27½ p. c.
199b	Containers wholly or partially manufactured from fibre-board or paperboard per pound <i>Provided, that in no case shall the rate of duty be less than</i>	1 ct.
199c	Waxed stencil paper for use on duplicating machines	25 p. c.
200	Pulp of wood, of straw or of any other vegetable fibre	27½ p. c.
206a	Biological products, animal or vegetable, n. o. p., for parenteral administration in the diagnosis or treatment of diseases of man, when manufactured under licence of the Department of Pensions and National Health under regulations prescribed by the Food and Drugs Act; and biological products, animal or vegetable, n. o. p., for parenteral administration in the diagnosis or treatment of diseases of animals or poultry, when imported under permit of the veterinary director general	Free
ex 208	Sulphur and brimstone, crude or in roll or flour	Free
ex 208j	Nitrate of ammonia, when imported for use in the manufacture of nitrous oxide	Free
208t	All chemicals and drugs, when of a kind not produced in Canada, which were on August 20, 1932, dutiable at rates of 15, 25, and 25 p. c., under Tariff Item 711	10 p. c.
ex 208t	Bicarbonate of soda	17½ p. c.
ex 208t	Methyl ethyl ketone; isopropyl acetate; butyl alcohol	12½ p. c.
208u	Xanthates and sulpho-thio-phosphoric (dithio-phosphoric) compounds, for use in the process of concentrating ores, metals or minerals	25 p. c.
210	(i) Peroxide of soda; silicate of soda in crystals or in solution; nitrate of soda or cubic nitre, n. o. p.; sulphide of sodium; nitrite of soda; arseniate, binarseniate, bisulphite and stannate of soda; prussiate of soda	Free
	(ii) Bichromate, sulphite and chlorate of soda	15 p. c.
210e	Nitrate of soda or cubic nitre when imported for use as a fertilizer or as a flux in the reduction of electrolytic copper slimes, or for use in the curing and pickling of meats or in the manufacture of vitreous glazes and enamel frits, or when imported by manufacturers of explosives for use exclusively in the manufacture of explosives, in their own factories	12½ p. c.
212	Sulphate of alumina or alum cake; and alum in bulk, ground or unground, but not calcined	Free
216	Acids, n. o. p., of a kind not produced in Canada	15 p. c.
216d	Phthalic anhydride, adipic, abietic, maleic and succinic acids and ethylene glycol, when imported by manufacturers of synthetic resins, for use exclusively in the manufacture of synthetic resins, in their own factories	20 p. c.
219a	Non-alcoholic preparations or chemicals, for disinfecting, dipping, spraying or fumigating, n. o. p.:— (i) When in packages not exceeding three pounds each, gross weight (ii) Otherwise	Free
219d	Sulphuric ether; chloroform, n. o. p.; preparations of vinyl ether for anaesthetic purposes	22½ p. c. 7½ p. c. 20 p. c.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Pro- duce or Manu- facture of the United States of America
220	All medicinal, chemical and pharmaceutical preparations, compounded of more than one substance, including patent and proprietary preparations, tinctures, pills, powders, troches, lozenges, filled gelatine capsules, tablets, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences and oils, n. o. p.:— (a) When dry (b) Liquid, when containing not more than two and one-half per centum of proof spirit	20 p. c. 27½ p. c.
	<i>Provided that drugs, pill-mass and preparations, not including pills or medicinal plasters, recognized by the British or United States pharmacopoeia, the Canadian Formulary or the French Codex as official, shall not be held to be covered by this item.</i>	
220	ex (b) Dextrose (glucose) solutions, prepared, for parenteral administration in therapeutic treatments	Free
ex 228	Soap powders, powdered soap, mineral soap, and soap, n. o. p., not including toilet soap	25 p. c.
234	Perfumery, including toilet preparations, non-alcoholic, viz., hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n. o. p., used for the hair, mouth or skin	30 p. c.
236	Surgical dressings, antiseptic or aseptic, including absorbent cotton, lint, lamb's wool, tow, jute, oakum, woven fabric of cotton weighing not more than seven and one-half pounds per one hundred square yards, whether imported singly or in combination one with another, but not stitched or otherwise manufactured; surgical trusses and suspensory bandages of all kinds; sanitary napkins, and abdominal supports	20 p. c.
237	(c) Synthetic resins, n. o. p., in liquid, powder, granular, or lump form; or in tubes, cylinders, strips, sheets, plates, blocks, bars, rods, angles, channels, tees or other shapes or sections, not further manufactured than moulded, extruded or pressed, when for use in Canadian manufactures	Free
238a	Manufactures of pyroxylin plastics, or of which pyroxylin plastic is the component of chief value, n. o. p.	27½ p. c.
238b	Cellulose nitrate or pyroxylin plastics, in tubes, cylinders, balls, strips, sheets, plates, blocks, bars, rods, angles, channels, tees or other shapes or sections, not further manufactured than moulded or pressed, when for use in Canadian manufactures	Free
238c	Moulding compositions of cellulose acetate or other derivatives of cellulose, in powder or granular form	Free
239	Lamp black, carbon black, ivory black and bone black	Free
242	Dry red lead; orange mineral; antimony oxide, titanium oxide, and zinc oxide such as zinc white and lithopone; white pigments containing not less than 14 per cent by weight of titanium dioxide	15 p. c.
243	Dry white lead	20 p. c.
244	White lead ground in oil	25 p. c.
246	Oxides, fireproofs, rough stuff, fillers, laundry blueing, and colours, dry, n. o. p.	20 p. c.
247	Liquid fillers, anti-corrosive and anti-fouling paints, and ground and liquid paints, n. o. p.	25 p. c.
ex 247a	Artists' and school children's colours; fitted boxes containing the same	25 p. c.
248	Paints and colours, ground in spirits, and all spirit varnishes and lacquers	85 cts.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
249	Varnishes, lacquers, japans, japan driers, liquid driers, and oil finish, n. o. p. per gallon	15 cts. and 20 p. c.
252	Shoe blacking; shoemakers' ink; shoe, harness and leather dressing, and knife or other polish or composition, n. o. p.	22½ p. c. 17½ p. c. Free
256	Printing ink	Free
261	Turpentine, spirits of	20 p. c.
272	Refined petroleum jellies and oils, for toilet, medicinal, edible, or similar purposes	Free
274	Petroleum coke	Free
ex 281	Firebrick containing not less than ninety per cent of silica; magnesite firebrick or chrome firebrick; other firebrick valued at not less than one hundred dollars per one thousand, rectangular shaped, the dimensions of each not to exceed one hundred and twenty-five cubic inches, but not including firebrick made substantially of silicon carbide and/or fused alumina, for use exclusively in the construction or repair of a furnace, kiln or other equipment of a manufacturing establishment	Free
281a	Firebrick, n. o. p., of a class or kind not made in Canada, for use exclusively in the construction or repair of a furnace, kiln, or other equipment of a manufacturing establishment	12½ p. c.
281b	Firebrick, n. o. p.	20 p. c.
282	Building brick and paving brick	15 p. c.
282a	Manufactures of clay or cement, n. o. p.	20 p. c.
284	Drain pipes, sewer pipes and earthenware fittings therefor, chimney linings or vents, chimney tops and inverted blocks, glazed or unglazed, n. o. p.; earthenware tiles, n. o. p.	30 p. c.
288a	Chemical stoneware composed of a non-absorbent vitrified body specially compounded to resist acids or other corrosive reagents	20 p. c.
288b	Hand forms of porcelain, when imported by manufacturers for use exclusively in the manufacture of rubber gloves in their own factories	20 p. c.
289	Baths, bathtubs, basins, closets, lavatories, urinals, sinks and laundry tubs of earthenware, stone, cement, clay or other material, n. o. p.	27½ p. c.
296c	Magnesium carbonate, imported for use in the compounding or manufacture of rubber products	20 p. c.
296d	Feldspar, ground but not further manufactured	15 p. c.
305	Flagstone, sandstone and all building stone, not hammered, sawn or chiselled, and marble and granite, rough, not hammered or chiselled	12½ p. c.
306	Marble, sawn or sand rubbed, not polished; granite, sawn; paving blocks of stone; flagstone and building stone, other than marble or granite, sawn on not more than two sides	20 p. c.
312	Asbestos in any form other than crude, and all manufactures thereof, n. o. p.	20 p. c.
312a		
315	Carbons or carbon electrodes over three inches in circumference or outside measurement and not exceeding thirty-five inches in circumference or outside measurement; carbons of a class or kind not produced in Canada, when imported for use in the manufacture of dry batteries and dry cells	Free

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
320	Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n. o. p.	20 p. c.
326	(i) Demijohns or carboys, bottles, flasks, phials, jars and balls, of glass, not cut, n. o. p.; lamp chimneys of glass, n. o. p.; decanters and machine-made tumblers of glass, not cut nor decorated, n. o. p.	27½ p. c.
	(ii) Opal glassware, glass tableware, cut glassware and illuminating glassware, n. o. p.	25 p. c.
326a	Manufactures of glass, n. o. p.	17½ p. c.
326b	Articles of glass, not plate or sheet, designed to be cut or mounted; articles of glassware, when imported by manufacturers of silverware to be used in receptacles made of or electro-plated with precious metals, in their own factories	Free
326g	High thermal shock resisting glassware	15 p. c.
345	Zinc dust, strip and sheets; zinc plates for marine boilers; sal ammoniac skimmings and seamless drawn tubing of zinc	Free
346	Zinc, manufactures of, n. o. p.	20 p. c.
ex 346	Zinc slugs or discs, when imported by manufacturers of electric dry batteries for use in the manufacture of seamless cups or shells for such batteries, in their own factories	Free
348c	Brass scrap and brass in blocks, ingots or pigs; copper in bars or rods, not less than six feet in length, unmanufactured, n. o. p.; copper in strips, sheets or plates, not polished, planished or coated; brass or copper tubing, in lengths not less than six feet, and not polished, bent or otherwise manufactured	10 p. c.
350	Wire of all metals and kinds, n. o. p.	30 p. c.
351	Wire, single or several, covered with any material, including cable so covered, n. o. p.	27½ p. c.
352	Brass and copper nails, tacks, rivets and burrs or washers; bells and gongs, n. o. p.; and manufactures of brass or copper, n. o. p.	25 p. c.
ex 352	Metal parts in any degree of manufacture, coated or not,	
ex 362c	and wooden parts in the rough, when imported by	
ex 432d	manufacturers of spools, quills, pirns, bobbins and	
ex 446a	shuttles, for use in the manufacture of such articles, in	
ex 506	their own factories	10 p. c.
ex 353	Aluminum and alloys thereof, crude or semi-fabricated, viz.: Pigs, ingots, blocks, notch bars, slabs, billets and blooms; bars, rods and wire; angles, channels, beams, tees and other rolled or drawn sections and shapes; pipes and tubes; plates, sheets and strips, including circles	27½ p. c.
354	Manufactures of aluminum, n. o. p.	27½ p. c.
354a	Kitchen or household hollow-ware of aluminum, n. o. p.	27½ p. c.
357	Britannia metal, nickel silver, Nevada and German silver, manufactures of, not plated, n. o. p.	25 p. c.
362	Articles consisting wholly or in part of sterling or other silverware, n. o. p.; manufactures of gold or silver, n. o. p.	32½ p. c.
362a	Metal parts, electro-plated, for loose-leaf binders	25 p. c.
362c	Nickel-plated ware, gilt or electro-plated ware, n. o. p.	30 p. c.
367	Watch cases, and parts thereof, finished or unfinished	32½ p. c.
368	Clocks, time recorders, clock movements, clockwork mechanisms, and clock cases	30 p. c.
	but not less than each	40 cts.
369	Parts of clock movements or of clockwork mechanisms, finished or unfinished, not including plates	25 p. c.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
375	Ferro-alloys:— (f) All alloys used in the manufacture of iron or steel, n. o. p.	5 p. c.
377a	Blooms, cogged ingots, slabs, billets, n. o. p., sheet bars, of iron or steel, by whatever process made, n. o. p.	per ton \$4.00
377f	Bars or rods, of iron or steel, hot rolled, viz.:— Rounds over 4¼ inches in diameter and squares over 4 inches per ton	\$6.00
378	Bars and rods, of iron or steel; billets, of iron or steel, weighing less than 60 pounds per lineal yard:—	
	(a) Not further processed than hot rolled, n. o. p. per ton	\$7.00
	(c) Cold rolled, drawn, reeled, turned or ground, n. o. p.	20 p. c.
	(d) Hot rolled, valued at not less than 4 cents per pound, n. o. p.	12½ p. c.
380	Plates of iron or steel, hot or cold rolled:—	
	(a) Not more than 66 inches in width, n. o. p.	per ton \$8.00
	(b) More than 66 inches in width, n. o. p.	per ton \$6.00
381	Sheets, of iron or steel, hot or cold rolled:—	
	(a) .080 inch or less in thickness, n. o. p.	20 p. c.
	(b) More than .080 inch in thickness, n. o. p.	per ton \$6.00
382	Hoop, band or strip, of iron or steel:—	
	(a) Hot rolled, .080 inch or less in thickness, n. o. p.	12½ p. c.
	(b) Hot rolled, more than .080 inch in thickness, n. o. p.	per ton \$7.00
383	Sheets, plates, hoop, band or strip, of iron or steel:—	
	(a) Coated with tin, of a class or kind not made in Canada, n. o. p.	15 p. c.
	(b) Coated with tin, n. o. p.	17½ p. c.
	(c) Coated with zinc, n. o. p.	17½ p. c.
	(d) Coated with metal or metals, n. o. p.	10 p. c.
384	Skelp of iron or steel, hot rolled, when imported by manu- facturers of pipes and tubes for use exclusively in the manufacture of pipes and tubes, in their own factories, under regulations prescribed by the Minister:—	
	(a) Not more than 14 inches in width	5 p. c.
	(b) More than 14 inches in width	5 p. c.
385a	Sheets, plates, hoop, band or strip, of rust, acid or heat resisting steels, hot or cold rolled, polished or not, val- ued at not less than five cents per pound	17½ p. c.
386 ex 442	Sheets, plates, hoop, band or strip, of iron or steel, as hereunder defined, under regulations prescribed by the Minister:—	
	(c) Sheets, plates, hoop, band or strip, hot rolled, being mould boards, shares, cultivator or shoe shapes, plough plates, land sides or disc circles, when such rectangles, circles or sketches are cut to shape but not moulded, punched, polished or otherwise manufactured, when imported by manufacturers of agricultural implements for use exclusively in the manu- facture of agricultural implements, in their own factories	Free
	(m) (i) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufac- turers for use exclusively in the manu- facture of sheets, hoop, band or strip, coated with zinc or other metal or metals, not including tin, in their own factories	17½ p. c.



Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
388	Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n. o. p.; piling of iron or steel, not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n. o. p.	per ton \$3.00
388b	Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections, not punched, drilled or further manufactured than hot rolled, n. o. p.; piling of iron or steel, not punched or drilled, including interlocking sections, if any, used therewith, n. o. p.	per ton \$7.00
390	Castings, of iron, malleable, n. o. p.	22½ p. c.
390a	Castings, of iron, non-malleable, n. o. p.	22½ p. c.
390b	Castings, of steel, n. o. p.	22½ p. c.
390c	Piston ring castings of steel, in the rough as from the moulds	Free
ex 392	Forged golf club heads of iron or steel, with or without face or similar marking, but not ground, polished, plated or otherwise finished	10 p. c.
392a	Forgings of iron or steel, in any degree of manufacture, hollow, machined or not, not less than 12 inches in internal diameter; and all other forgings, solid or otherwise, in any degree of manufacture, of a weight of 20 tons or over	20 p. c.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders	7½ p. c.
394	Axles and axle bars, n. o. p., and axle blanks, and parts thereof, of iron or steel:—	
	(a) For railway vehicles, including locomotives and tenders	25 p. c.
	(b) For other vehicles, n. o. p.	30 p. c.
397	Pipes and tubes, of wrought iron or steel, plain or coated:—	
	(a) Welded or seamless, with plain or processed ends, not more than 10½ inches in diameter, n. o. p.	25 p. c.
	(d) N. o. p.	20 p. c.
400	Fittings and couplings of iron or steel, of every description, for iron or steel pipes and tubes; complete parts thereof	25 p. c.
401	ex (b) Wire, of rust or acid resisting steel, twisted or stranded, for use exclusively in commercial fishing operations	10 p. c.
402a	Woven or welded wire fencing, of iron or steel, coated or not, n. o. p.; wire cloth or wire netting, of iron or steel, coated or not	30 p. c.
402b	Woven netting, of iron or steel, coated, made from wire of 17 gauge or heavier, with meshes not smaller than one inch and not larger than two inches, with specially strengthened joints, when for use exclusively on fur farms, under regulations prescribed by the Minister	20 p. c.
407a	Chains, of iron or steel, n. o. p., and complete parts thereof	30 p. c.
408	Malleable sprocket chain and link belting chain of iron or steel, including roller chain of all kinds for operating on steel sprockets or gears, when imported by manufacturers of agricultural implements for use exclusively in the manufacture of agricultural implements, in their own factories, under regulations prescribed by the Minister	5 p. c.
409	Cream separators and complete parts therefor, including steel bowls	12½ p. c.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
409b	Cultivators, harrows, seed-drills, horse-rakes, horse-hoes, scufflers, manure spreaders, garden seeders, weeders, and complete parts of all the foregoing	7½ p. c.
409c	Ploughs; farm, field, lawn or garden rollers; soil packers; complete parts of all the foregoing	
409d	Mowing machines, harvesters, either self-binding or without binders, binding attachments, reapers, harvesters in combination with threshing machine separators including the motive power incorporated therein, and complete parts of all the foregoing	7½ p. c.
409e	(i) Spraying and dusting machines and attachments therefor, including hand sprayers; apparatus specially designed for sterilizing bulbs; pressure testing apparatus for determining maturity of fruit; pruning hooks; pruning shears; animal dehorning instruments; and complete parts of all the foregoing (ii) Fruit and vegetable grading, grating, washing and wiping machines and combination bagging and weighing machines, and complete parts thereof; machines for topping vegetables, and machines for bunching and/or tying cut flowers, vegetables and nursery stock, and complete parts thereof; box-lidding machines, egg-graders and egg-cleaners, and complete parts thereof, not including aluminum parts	
409f	Hay loaders, hay tedders, potato planters, potato diggers, fodder or feed cutters, ensilage cutters, grain crushers and grain or hay grinders for farm purposes only, post hole diggers, snaths, stumping machines and other agricultural implements or agricultural machinery, n. o. p., and complete parts of all the foregoing	5 p. c.
409g	Incubators for hatching eggs, brooders for rearing young fowl, and complete parts of all the foregoing	7½ p. c.
409h	Hay presses and complete parts thereof	7½ p. c.
409i	Scythes, sickles or reaping hooks, hay or straw knives, edging knives, hoes, pronged forks, rakes, n. o. p.	
409j	Fanning mills; peaviners; corn husking machines; threshing machine separators, including weighers, wind stackers, baggers and self-feeders therefor; complete parts of all the foregoing	7½ p. c.
409k	Windmills and complete parts thereof, not including shafting	7½ p. c.
409l	Traction ditching machines (not being ploughs) and complete parts thereof	7½ p. c.
409m	Internal combustion traction engines; traction attachments designed to be combined with automobiles in Canada for use as traction engines; complete parts of all the foregoing	Free
410l	Ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n. o. p., and complete parts of all the foregoing, for use exclusively in mining, metallurgical or quarrying operations	Free
411a	Machinery, logging cars, cranes, blocks and tackle, wire rope, but not including wire rope to be used for guy ropes or in braking logs going down grade, and complete parts of all the foregoing, for use exclusively in the operation of logging, such operation to include the removal of the log from stump to skidway, log dump, or common or other carrier	17½ p. c.
		15 p. c.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Pro- duce or Manu- facture of the United States of America
412a	<p>Machinery and apparatus, n. o. p., viz.:—            Gun and mould apparatus for making press rollers;            machines and apparatus for making electrotypes            and stereotypes; engraving machines and appara-            tus, including photo-engraving apparatus, and            other plate-making apparatus, used in the manu-            facture of printing plates of all kinds; machines            and apparatus for graining metal plates; machines            and apparatus for sensitizing, grinding or polishing            metal plates; machines and apparatus including            cameras and camera equipment, lens, prisms,            camera and printing lamps, screens, and vacuum            frames for transferring by photographic processes,            or direct, to plates or rolls for use in lithography,            rotogravure and printing; shading apparatus;            machines and apparatus for addressing and/or            wrapping newspapers, magazines, periodicals,            pamphlets and catalogues; machines and apparatus            for embossing or stamping or producing embossed            or engraved effects, bookbinding, looping, stitching,            sewing, gathering, inserting, bronzing, dusting,            creasing, scoring, cutting, perforating, drilling,            punching, slitting, re-winding, glueing, pasting,            gumming, waxing, varnishing, carbon coating,            patching, numbering, ruling, jogging, sheet piling,            tying, bundling, tube-making, metal mounting,            eye-letting, staying or stripping, reinforcing and            box-covering; complete parts, not to include saws,            knives and motive power; all the foregoing when            for use exclusively by, and in their capacities as            printers, lithographers, bookbinders, manufac-            turers of stereotypes, electrotypes and printing            plates or rolls, paper converters, or by manufac-            turers of articles made from paper or cardboard</p>	Free
412b	<p>Flat bed cylinder printing presses, to print sheets of a size            25 by 38 inches or larger, and complete parts thereof;            machines designed to fold or sheet-feed paper or card-            board, and complete parts thereof</p>	10 p. c.
412c	<p>Typesetting and typesetting machines and parts thereof            for use in printing offices</p>	Free
412d	<p>Offset presses; lithographic presses; printing presses and            typemaking accessories therefor, n. o. p.; complete            parts of the foregoing, not to include saws, knives and            motive power</p>	10 p. c.
413	<p>Machinery and apparatus, of a class or kind not made in            Canada, and parts thereof, specially constructed for            preparing, manufacturing, testing or finishing yarns,            cordage, and fabrics made from textile fibres or from            paper, imported for use exclusively by manufacturers            and scholastic or charitable institutions in such pro-            cesses only</p>	5 p. c.
414	<p>Typewriters and complete parts thereof</p>	20 p. c.
414a	<p>Dictating, transcribing and cylinder shaving machines            and complete parts thereof, including cylinders and            unfinished wax blanks</p>	12½ p. c.
414c	<p>(i) Bookkeeping, calculating and invoicing machines and            complete parts thereof, n. o. p.            (ii) Adding machines and complete parts thereof</p>	12½ p. c. 20 p. c.
415	<p>Electric vacuum cleaners and attachments therefor; hand            vacuum cleaners; and complete parts of all the fore-            going, including suction hose, n. o. p.</p>	20 p. c.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
415a	Refrigerators, domestic or store, completely equipped or not:—	
	(i) Electric	25 p. c.
	(ii) Other than electric	25 p. c.
415b	Washing machines, domestic, with or without motive power incorporated therein; complete parts of washing machines	25 p. c.
415c	Clothes wringers, domestic, and complete parts of metal thereof	25 p. c.
415d	Sewing machines, with or without motive power incorporated therein; complete parts of sewing machines	15 p. c.
422a ex 439b ex 427a	Concrete road-paving machines, self-propelling, end loading type, with a capacity of 21 cubic feet of wet concrete or more; concrete and asphalt road finishing machines; form graders; sub-graders; combination excavating and transporting scraper units; concrete mixers, transit type; dump wagons or trailers on crawler-tracks, not self-propelled; back-filling machines and equipment, mounted on self-propelling wheels or crawling traction, semi- or full-revolving boom and scraper type; steam or air driven pile hammers or extractors; well-points; truck turntables; all the foregoing of a class or kind not made in Canada, and complete parts thereof	10 p. c.
424a	Hand fire extinguishers, and sprinkler heads for automatic sprinkler systems for fire protection	30 p. c.
ex 425	Lawn mowers designed for use with motive power, whether or not containing the power unit	15 p. c.
427	All machinery composed wholly or in part of iron or steel, n. o. p., and complete parts thereof	25 p. c.
ex 427	Machinery and apparatus enumerated in Tariff Item 412a, when for use by manufacturers of articles made from regenerated cellulose or cellulose acetate; complete parts of such machinery and apparatus, not to include saws, knives, and motive power	5 p. c.
ex 427	Vencer-drying machines, and complete parts thereof	5 p. c.
ex 427	Wire stitchers and staplers, either hand or power type, but not including motive power; complete parts of the foregoing	5 p. c.
427a	All machinery composed wholly or in part of iron or steel, n. o. p., of a class or kind not made in Canada; complete parts of the foregoing	10 p. c.
427b	Ball and roller bearings	17½ p. c.
427c	Machinery for dairying purposes, viz.: Power churns, power milk coolers, power fillers and cappers, power ice cream mixers, power butter printers, power cream savers, power bottle sterilizers, power brine tanks, power milk bottle washers, power milk can washers; ice-breaking machines, valveless or centrifugal milk pumps, sanitary milk and cream vats; none of the foregoing machinery to include motive power	15 p. c.
427e	Automatic machines for making and packaging cigars and cigarettes, not to include tobacco-preparing machines	10 p. c.
ex 427h	Motion picture projectors, arc lamps for motion picture work, motion picture or theatrical spot lights, light effect machines, motion picture screens, portable motion picture projectors with or without sound equipment; electric rectifiers or generators designed for use with motion picture projectors; complete parts of all the foregoing, not to include electric light bulbs, tubes, or exciter lamps	15 p. c.
ex 445f		
ex 445k		
ex 446a		

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
428c	Engines or boilers and complete parts thereof, n. o. p.	25 p. c.
428e	Diesel and semi-diesel engines, and complete parts there- of, n. o. p.	20 p. c.
428f	Air-cooled internal combustion engines of not greater than 1½ h. p. rating, and complete parts thereof	20 p. c.
429	Cutlery of iron or steel, plated or not: ex (g) Safety razor blades	25 p. c.
430	Nuts and bolts with or without threads, washers, rivets, of iron or steel, coated or not, n. o. p.; nut and bolt blanks, of iron or steel per one hundred pounds and	50 cts. 17½ p. c.
431b	Adzes, anvils, vises, cleavers, hatchets, saws, augers, bits, drills, screw-drivers, planes, spokeshaves, chisels, mallets, metal wedges, wrenches, sledges, hammers, crowbars, cantdogs, and track tools, picks, mattocks, and eyes or polls for the same	27½ p. c.
431c	Machinists' or metal workers' precision tools and meas- uring instruments, viz.:—Calipers, micrometers, metal protractors and squares, bevels, verniers, gauges, gauge blocks, parallels, buttons, mercury plumb bobs, dividers, trammels, scribes, center punches, pocket speed indicators, straight edges, key seat clamps and other clamps and vises used by toolmakers for precision work, precision tools and measuring instruments, n. o. p.	10 p. c.
431d	Engineers', surveyors' and draftsmen's precision instru- ments and apparatus, viz.:—Alidades; altazimuth sur- veying instruments; aneroid barometers, engineering, military and surveying; angle prisms; boards, military sketching; box sextants; clinometers; compasses; cross staff heads; curves, adjustable, irregular, railroad and ship; curvimeters; drafting instruments of all kinds, in- cluding fitted cases containing the same; dipping needles; drafting machines; heliographs; integrators; levels, tripod and hand or pocket types; levelling rods; liners, section; meters, portable for hydraulic engi- neering; pantographs; planimeters; protractors; paral- lel rulers; parallel ruling attachments; poles, ranging; pedometers and paceometers; plane tables, military and topographic; scales, flat and triangular; slide rules; splines; straight edges, steel and wooden; tacheometers; tallying machines, pocket; tee squares, steel and wooden; telemeters; theodolites; transits, tripod and hand or pocket types; triangles of all types; tripods for use with any of the foregoing instruments	10 p. c. 27½ p. c.
431f	Files and rasps	25 p. c.
432	Hollow-ware, of iron or steel, coated or not, n. o. p.	25 p. c.
432a	Kitchen and dairy hollow-ware of iron or steel, coated with tin, including cans for shipping milk or cream, not painted, japanned or decorated	25 p. c.
432b	Hollow-ware, of iron or steel, coated with vitreous enamel	30 p. c.
432d	Manufactures of tinplate, painted, japanned, decorated or not, and manufactures of tin, n. o. p.	25 p. c.
435	Locomotives and motor cars for railways, of a class or	
ex 434	kind not made in Canada, and complete parts thereof,	
ex 434a	for use exclusively in mining, metallurgical or sawmill operations	12½ p. c.
438a	Automobiles and motor vehicles of all kinds, n. o. p.; electric trackless trolley buses; chassis for all the foregoing	17½ p. c.

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
	<i>Provided</i> , that machines or other articles mounted on the foregoing, or attached thereto for purposes other than loading or unloading the vehicle shall be valued separately and duty assessed under the tariff items regularly applicable thereto.	
438g	Motorcycles or side cars therefor, and complete parts of the foregoing	17½ p. c.
439c	Farm wagons, farm sleds, logging wagons, logging sleds, and complete parts thereof	15 p. c.
ex 440g	Diesel and semi-diesel engines, of a class or kind not made in Canada, and complete parts thereof, for use exclusively in the construction or equipment of ships or vessels	Free
440j	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait, hooks, and fishing tackle, n. o. p.	20 p. c.
440l	(i) Aircraft, not including engines, under regulations prescribed by the Minister	20 p. c.
	(ii) Complete parts of aircraft, not including parts of aircraft engines	15 p. c.
440m	Engines and complete parts thereof, when imported for use only in the equipment of aircraft	17½ p. c.
440n	Complete parts for repair of engines enumerated in tariff item 440m	10 p. c.
441e	Guns and rifles of a class or kind not made in Canada	15 p. c.
442	Articles which enter into the cost of manufacture of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409k, 409o and 439c, when imported by manufacturers for use exclusively in the manufacture in their own factories of the goods enumerated in the aforesaid tariff items, under regulations prescribed by the Minister	5 p. c.
	<i>Provided</i> that goods which are entitled to free entry or to a lower rate of duty than is mentioned in this item shall not be entered at the rate specified in this item.	
442a	Notwithstanding the provisions of the preceding item, materials or commodities as hereunder defined or described, when imported by manufacturers for use exclusively in the manufacture, in their own factories, of the goods enumerated in tariff items 409a, 409b, 409c, 409d, 409e, 409f, 409g, 409j, 409o, 409p and 439c, under regulations prescribed by the Minister:—	
	(1) Pig iron	per ton \$1.00
	(2) Bars or rods, of iron or steel, hot rolled	per ton \$2.75
443	Apparatus designed for cooking or for heating buildings:—	
	(1) For coal or wood	25 p. c.
	(2) For gas	25 p. c.
	(3) For electricity	25 p. c.
	(4) For oil	25 p. c.
	(5) N. o. p.	25 p. c.
445	Electric light fixtures and appliances, n. o. p., and complete parts thereof	27½ p. c.
445a	Electric head, side and tail lights, n. o. p.; electric torches or flashlights and complete parts therefor	27½ p. c.
445c	(i) Electric telegraph apparatus and complete parts thereof	25 p. c.
	(ii) Electric telephone apparatus and complete parts thereof	25 p. c.
445f	Electric dynamos or generators and transformers, and complete parts thereof, n. o. p.	25 p. c.

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445g	Electric motors, and complete parts thereof, n. o. p.	25 p. c.
445k	Electric apparatus and complete parts thereof, n. o. p.	25 p. c.
445n	Electrical instruments and apparatus of precision of a class or kind not made in Canada, viz.:—meters or gauges for indicating and/or recording altitude, amperes, comparisons, capacity, density, depth, distance, electrolysis, flux, force, frequency, humidity, inductance, liquid levels, ohms, operation, power factor, pressure, space, speed, stress, synchronism, temperature, time, volts, volume, watts; complete parts thereof	17½ p. c.
446a	Manufactures, articles or wares, of iron or steel or of which iron or steel or both are the component materials of chief value, n. o. p.	25 p. c.
ex 446a	Metal shells and hinges, for use in manufacturing jewellery boxes and spectacle cases, not further finished than shaped	12½ p. c.
ex 446a	Tools of iron or steel, for use in machines, n. o. p., of a class or kind not made in Canada	10 p. c.
ex 446a	Welding rods or welding wires of rust, acid or heat resisting steel, whether or not flux-coated	15 p. c.
ex 446a	Locomotive beds or frames of steel, cast in one piece; tender frames of steel, cast in one piece; cast steel cradles for the rear ends of locomotive frames; cast steel truck frames and bolsters for engines, tenders and passenger coaches; platform castings for passenger coaches; all the foregoing, whether in the rough or semimanufactured, for use on railway rolling stock	7½ p. c.
446c	Golf shafts of seamless steel, coated or not, but not chromium plated	15 p. c.
446g	Electric welding apparatus, not including motors	20 p. c.
447a	Sand cast rolls and chilled cast iron rolls, for use exclusively in rolling iron or steel, or in manufacturing paper	Free
451	Buckles, clasps, eyelets, hooks and eyes, dome, snap or other fasteners of iron, steel, brass or other metal, coated or not, n. o. p. (not being jewellery)	27½ p. c.
454	Frames not more than ten inches in width, clasps and fasteners (not to include slide or hookless fasteners), when imported by manufacturers of purses, chatelaine bags or reticules for use exclusively in the manufacture of purses, chatelaine bags or reticules, in their own factories, under regulations prescribed by the Minister; parts of the foregoing	12½ p. c.
ex 446a	(i) Philosophical, photographic, mathematical and optical instruments, n. o. p.; speedometers, cyclometers and pedometers, n. o. p.; complete parts of all the foregoing	17½ p. c.
462	(ii) Cameras and complete parts thereof, n. o. p.	20 p. c.
ex 462	Cinematograph and motion picture cameras, 35 mm., for use by professional motion picture producers having studios in Canada equipped for motion picture production; parts of the foregoing	10 p. c.
466	Iron sand and iron or steel shot, not further manufactured than crushed or ground, and dry putty, for sawing, polishing, pressure blasting or tumbling purposes	Free
ex 711		
ex 756		
471a	Pressed steel belt pulleys for power transmission, and finished or unfinished parts thereof, including interchangeable bushings	20 p. c.
476	Surgical and dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than 50 dollars each, retail; complete parts of all the foregoing	Free

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500	Logs and round unmanufactured timber, handle, heading, stave and shingle bolts, n. o. p.; firewood, hop poles, fence posts and railway ties	Free
502	Mexican saddle trees and stirrups of wood, treenails; hub, last, wagon, oar and gun blocks, and all like blocks or sticks, rough hewn, or sawn only; feloes of hickory or oak, not further manufactured than rough sawn or bent to shape; staves of oak, sawn, split or cut, not further manufactured than listed or jointed; shingles of wood; spokes of hickory or oak, not further manufactured than rough turned, and not tenoned, mitred or sized, and scale board for cheese	Free
503	Planks, boards, clapboards, laths, plain pickets and other timber or lumber of wood, not further manufactured than sawn or split, whether creosoted, vulcanized, or treated by any other preserving process, or not	Free
504	Planks, boards and other lumber of wood, sawn, split or cut, and dressed on one side only, but not further manufactured	Free
505	Sawn boards, planks and deals planed or dressed on one or both sides, when the edges thereof are jointed or tongued and grooved, n. o. p.	10 p. c.
505a	Hardwood flooring, tongued and/or grooved, or jointed, viz.:—beech, birch, maple and oak	17½ p. c.
506	Manufactures of wood, n. o. p.	20 p. c.
ex 506	Shingles of cedar, creosoted, vulcanized or otherwise processed or treated	Free
507a	Single-ply, sliced or rotary-cut veneers of wood, n. o. p., not over five-sixteenths of an inch in thickness, not taped nor jointed	20 p. c.
507c	Plywood made of two or more layers of veneer or lumber of wood, glued or cemented together, but not further manufactured	22½ p. c.
509	Vulcanized fibre, kartavert, indurated fibre, and like material, and manufactures of, n. o. p.	17½ p. c.
511b	Fishing rods	25 p. c.
ex 518	Bagatelle and other game tables or boards	27½ p. c.
519	House, office, cabinet or store furniture and parts thereof (not to include forgings, castings and stampings of metal, in the rough):—	
	(i) Substantially of wood	32½ p. c.
	(ii) Other than of wood	27½ p. c.
ex 520	Raw cotton and cotton linters not further manufactured than ginned; waste wholly of cotton unfit for use without further manufacture	Free
522	Rovings, yarns and warps wholly of cotton, not more advanced than singles, n. o. p.	15 p. c.
522c	(i) Rovings, yarns and warps wholly of cotton, including threads, cords and twines generally used for sewing, stitching, packaging and other purposes, n. o. p.; cotton yarns, wholly or partially covered with metallic strip, generally known as tinsel thread	and, per pound 3 cts.
	(ii) Cotton yarns, wholly covered with a double layer of metallic strip in single strand only, when imported by manufacturers for use exclusively in the manufacture of electrical conductors, in their own factories	20 p. c.
	(iii) Sewing thread, wholly of cotton, on spools, not to exceed 250 yards on one spool	15 p. c.
		22½ p. c.



Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
522d	Yarns and warps wholly of cotton, mercerized, number forty and finer, imported, under regulations prescribed by the Minister, for sale to manufacturers, to be further manufactured in their own factories	22½ p. c.
522e	Cotton sewing thread yarn and crochet, knitting, darning and embroidery yarn, in hanks, when imported by manufacturers for use exclusively in their own factories in the manufacturing or spooling of cotton sewing thread and crochet, knitting, darning and embroidery cottons	12½ p. c.
ex 523	Woven fabrics, wholly of cotton, not bleached, mercerized nor coloured, n. o. p.	17½ p. c.
	and, per pound	3 cts.
ex 523	Cotton bags, seamless or	
ex 532	not	27½ p. c.
523a	Woven fabrics, wholly of cotton, bleached or mercerized, not coloured, n. o. p.	20 p. c.
	and, per pound	3 cts.
ex 523b	Woven fabrics, wholly of cotton, printed, dyed or coloured, n. o. p.:—	
	(i) Valued at more than 80 cents per pound	20 p. c.
	and, per pound	3 cts.
	(ii) Valued at 50 cents or more but not more than 80 cents per pound	25 p. c.
	and, per pound	3 cts.
	(iii) Valued at less than 50 cents per pound	27½ p. c.
	and, per pound	3½ cts.
ex 523b	Woven fabrics, wholly of cotton, commonly known as denims, when imported by manufacturers for use in their own factories in the manufacture of garments	20 p. c.
	and, per pound	3 cts.
523c	Woven fabrics wholly of cotton, composed of yarns of counts of 100 or more, including all such fabrics in which the average of the count of warp and weft yarns is 100 or more	27½ p. c.
ex 532	Enamelled carriage, shelf and table oilcloth; woven fabric, wholly of cotton, for covering books; fabrics, wholly of cotton, coated or impregnated, n. o. p.	30 p. c.
ex 573	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly of cotton, n. o. p.	30 p. c.
ex 532	Handkerchiefs, wholly of cotton	30 p. c.
532a	Clothing, wearing apparel and articles, made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of vegetable fibres but not containing wool, n. o. p.; fabrics, coated or impregnated, composed wholly or in part of vegetable fibres but not containing silk, artificial silk nor wool, n. o. p.	30 p. c.
ex 552	Felt, splint, for use in making molded splints for medical purposes	10 p. c.
ex 553	Household blankets, wholly of cotton, not to include horse blankets, automobile or steamer rugs, or similar articles	20 p. c.
	and, per pound	5 cts.
ex 555	Clothing, being women's and children's outer garments, wholly or in part of wool or similar animal fibres, but of which the component of chief value is not silk nor artificial silk	32½ p. c.
ex 567	Clothing and wearing apparel, n. o. p., made from woven fabrics of which silk is the component of chief value	30 p. c.

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ex 567a	Clothing and wearing apparel, n. o. p., made from woven fabrics of which the component of chief value is artificial silk or similar synthetic fibres produced by chemical processes	32½ p. c.
ex 568	Knitted garments, n. o. p.	35 p. c.
568a	Socks and stockings:— (ii) n. o. p.	20 p. c.
569e	Miners' safety helmets for use exclusively in mining operations, firemen's helmets and sand-blast helmets, of a class or kind not made in Canada; parts of such helmets	\$1.00
ex 613		Free
ex 618	572 Oriental and imitation Oriental rugs or carpets and carpeting, carpets and rugs, n. o. p.	30 p. c.
		and, per dozen pairs
ex 573	Linoleum, floor oilcloth, and cork matting or carpets	7½ cts.
578	Regalia, badges and belts of all kinds, n. o. p.	30 p. c.
584	Bone pitch, crude only; and resin or rosin in packages of not less than one hundred pounds	Free
585	Coal and pine pitch, burgundy pitch; and coal and pine tar, crude, in packages of not less than fifteen gallons	Free
586	Coal, anthracite, n. o. p.	per ton 50 cts.
587	Coke, n. o. p.	per ton \$1.00
588	Coal, n. o. p., including screenings and coal dust of all kinds	per ton 75 cts.
588a	Gas for heating, cooking or illuminating, imported by pipe line	per one thousand cubic feet 3 cts.
589	Charcoal made from wood	per ton \$4.00
597	Pianofortes and organs	25 p. c.
597a	Musical instruments of all kinds, n. o. p.; phonographs, graphophones, gramophones and finished parts thereof, including cylinders and records therefor; and mechanical piano and organ players	25 p. c.
ex 597a	Cylinders or records specially made for use in the study of languages, under such regulations as may be prescribed by the Minister	Free
ex 598a	Brass band instruments, of a class or kind not made in Canada	25 p. c.
599	Hides and skins, raw, whether dry, salted, or pickled; and raw pelts	Free
601	Fur skins of all kinds, not dressed in any manner	Free
604	(i) Belting leather in butts or bends; and all leather further finished than tanned, n. o. p.	20 p. c.
	(ii) Sheepskin or lambskin leather, further finished than tanned, n. o. p.	25 p. c.
604b	Sole leather	25 p. c.
605a	Genuine pig leathers and genuine Morocco leathers; so-called roller leathers	25 p. c.
607	Leather, when imported by manufacturers of gloves or leather clothing, for use exclusively in manufacturing gloves or leather clothing, in their own factories	7½ p. c.
609	Belting, of leather	25 p. c.
ex 611a	Boots, shoes, slippers and insoles of any material, n. o. p., not including canvas shoes with rubber soles	30 p. c.
611b	Leather garments, lined or unlined	30 p. c.
612	Harness and saddlery, including horse boots, n. o. p.	22½ p. c.
613	Manufactures of leather, including manufactures of rawhide, n. o. p.	25 p. c.
ex 616	Rubber, recovered	Free

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
618	Rubber cement and all manufactures of India-rubber and gutta percha, n. o. p.	22½ p. c.
618b	Tires of rubber for vehicles of all kinds, fitted or not	25 p. c.
618c	Chlorine derivatives of India-rubber insoluble in carbon tetrachloride, in sheets not exceeding three one-thousandths of an inch in thickness, coloured or not but not printed, lithographed or embossed, when for use in Canadian manufactures	5 p. c.
ex 711	Rubber or gutta percha hose, and cotton hose lined with rubber; rubber mats or matting and rubber packing	22½ p. c.
619	India-rubber clothing and clothing made from water-proofed cotton fabrics	30 p. c.
619a	Trunks, valises, hat boxes, carpet bags, tool bags, and baskets of all kinds, n. o. p.	30 p. c.
622	Musical instrument cases and fancy cases or boxes of all kinds, portfolios and fancy writing desks, satchels, reticules, card cases, purses, pocket-books, fly books and parts thereof	30 p. c.
623	ex (i) Toys of all kinds, n. o. p.	30 p. c.
624a	(ii) Mechanical toys of metal	30 p. c.
647	Jewellery of any material, for the adornment of the person, n. o. p.	35 p. c.
651	Buttons of all kinds, covered or not, and button blanks other than in the rough, n. o. p.; recognition buttons and cuff or collar buttons	30 p. c.
651a	Buttons, and button blanks other than in the rough, of vegetable ivory	and, per gross 5 cts.
654	Bristles, broom corn, and hair brush pads	and, per gross 30 p. c.
ex 655a	Crayons of chalk	10 cts.
657a	Cinematograph or moving picture films, positives, one and one-eighth of an inch in width and over, n. o. p.	Free
657b	Parts, unfinished, when imported by manufacturers of cameras, for use in the manufacture of cameras, in their own factories	20 p. c.
ex 532	Fertilizers, compounded or manufactured, n. o. p.	2½ cts.
ex 711	<i>Provided, that Canada reserves the right to withdraw this concession should any restriction be placed on the export of phosphate rock or superphosphate from the United States of America.</i>	5 p. c.
603	Soya beans, soya bean oil cake and soya bean oil meal, when imported for use as animal or poultry feeds, or as fertilizer, or when imported for use in the manufacture of animal or poultry feeds or fertilizers	5 p. c.
663c	Grinding wheels, stones or blocks, manufactured by the bonding together of either natural or artificial abrasives; manufactures of emery or of artificial abrasives, n. o. p.	Free
ex 711	Net floats of aluminum, glass, canvas, cork, or rubber, for use exclusively in commercial fishing	22½ p. c.
670	Artificial teeth, not mounted	Free
682a	(iii) Antiquities (other than spirits or wines) produced more than 100 years prior to date of importation, under such regulations, including proof of antiquity, as may be prescribed by the Minister	Free
ex 618	<i>Provided that, notwithstanding anything to the contrary in any law or regulation relating to Customs, antiquities as described above shall be relieved from the requirements as to origin or content.</i>	Free
688		
693		

Number of Canadian Tariff Item	Description of Article	Rate of Duty on Goods the Growth, Prod- uce or Manu- facture of the United States of America
711	All goods not enumerated in this schedule as subject to any other rate of duty, and not otherwise declared free of duty, and not being goods the importation whereof is by law prohibited <i>Provided that duty shall not be deemed to be provided for by this item upon dutiable goods mentioned as "n. o. p." in any preceding tariff item.</i> <i>Provided further that when the component material of chief value in any non-enumerated article consists of dutiable material enumerated in this schedule as bearing a higher rate of duty than is specified in this tariff item, such non-enumerated article shall be subject to the highest duty which would be chargeable thereon if it were composed wholly of the component material thereof of chief value, such "component material of chief value" being that component material which shall exceed in value any other single component material in its condition as found in the article.</i>	20 p. c.
ex 711	Oyster shells, not further manufactured than crushed or screened, or both, for use as poultry feeds or in the manufacture of poultry feeds	10 p. c.
ex 711	Activated clay, when imported for use in the refining of oils	10 p. c.
ex 711	Coal-tar benzol, when imported by refiners of crude petroleum, for use exclusively in blending with gasoline wholly produced in Canada	10 p. c.
ex 711	Vermiculite, crude, or not further processed than ground and screened	10 p. c.
756	Artificial abrasive grains, crushed or ground, when imported for use in Canadian manufactures	Free
792	Cotton pulp imported by manufacturers for use exclusively in their own factories in the manufacture of yarns of artificial silk or similar synthetic fibres produced by chemical processes, under regulations to be prescribed by the Minister of National Revenue	Free
816	Ethylene glycol, when imported by manufacturers for use exclusively in the manufacture of anti-freezing compounds or of explosives, in their own factories	Free
664b		

## SCHEDULE II

(See Article VII)

NOTE: The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined, insofar as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of any article enumerated in this Schedule, which is subject on the day of the signature of this Agreement to any additional or separate ordinary customs duty, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duty shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

In the case of any article provided for in this Schedule, with respect to which a lower rate of United States duty than is specified herein is provided for pursuant to any trade agreement concluded under Section 350 of the Tariff Act of 1930, as amended, such lower rate shall not be deemed to be rendered ineffective by reason of any provision of this Schedule.

The term "ton" in this Schedule, unless otherwise specified, means the long ton of 2,240 pounds avoirdupois.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1	Acetic acid containing by weight of acetic acid: Not more than 65 per centum	¾¢ per lb.
	More than 65 per centum	1¢ per lb.
2	Vinyl acetate, polymerized or unpolymerized, and synthetic resins made in chief value therefrom, not specially provided for	3¢ per lb. and 15% ad val.
10	Fir or Canada balsam, natural and uncompounded, and not containing alcohol	5% ad val.
11	Synthetic resins made in chief value from vinyl acetate, not specially provided for	3¢ per lb. and 15% ad val.
16	Calcium acetate, crude	½¢ per lb.
29	Cobalt oxide	10¢ per lb.
52	Sperm oil, crude	2½¢ per gal.
52	Shark oil and shark-liver oil, including oil produced from sharks known as dogfish, not specially pro- vided for	10% ad val.
58	Distilled or essential cedar-leaf oil, not containing alcohol	12½% ad val.
71	Gas black, including carbon black, and acetylene black, dry or ground in or mixed with oil or water, and not specially provided for	10% ad val.
81	Sodium chloride or salt: In bags, sacks, barrels, or other packages	7¢ per 100 lbs.
	In bulk	4¢ per 100 lbs.
201 (a)	Fire brick, not specially provided for	12½% ad val.
201 (b)	Brick, not specially provided for, not glazed, enameled, painted, vitrified, ornamented, or decorated in any manner	\$1 per 1,000
203	Limestone (not suitable for use as monumental or building stone), crude, or crushed but not pul- verized	2½¢ per 100 lbs.
203	Lime, not specially provided for	5¢ per 100 lbs., in- cluding weight of container
203	Hydrated lime	6¢ per 100 lbs., in- cluding weight of container
205 (d)	Cement, not specially provided for	10% ad val.
207	Bentonite: Unwrought and unmanufactured	75¢ per ton
	Wrought or manufactured	\$1.62½ per ton
207	Crude feldspar	25¢ per ton
208 (f)	Untrimmed phlogopite mica from which no rec- tangular piece exceeding two inches in length or one inch in width may be cut	10% ad val.
208 (g)	Phlogopite mica waste and scrap valued at not more than 5 cents per pound	15% ad val.
208 (h)	Mica, ground or pulverized	15% ad val.
209	Talc, steatite or soapstone: Ground, washed, powdered, or pulverized (except toilet prepara- tions), valued at not more than \$14 per ton	17½% ad val.
214	Ground feldspar	15% ad val.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
214	Ground nepheline syenite <i>Provided, That, if in any calendar year after 1933 the aggregate quantity of nepheline syenite in any form, whether dutiable or free, entered, or withdrawn from warehouse, for consumption exceeds 50,000 tons, the Government of the United States of America and the Government of Canada shall promptly enter into consultation, with a view to reaching an agreement as to whatever measures may be deemed appropriate, and if, within 60 days after the two Governments enter into consultation, a mutually satisfactory settlement has not been effected, the Government of the United States of America shall have the right to increase the duty on any nepheline syenite which is subject to duty and to impose a customs duty on any nepheline syenite which is not subject to duty entered, or withdrawn from warehouse, for consumption in any calendar year in excess of an aggregate quantity of 50,000 tons of nepheline syenite in any form.</i>	15% ad val.
214	Stone, not specially provided for (except marble chip or granite and Cornwall stone), ground, or crushed otherwise than merely for the purpose of facilitating shipment to the United States	15% ad val.
214	Dead-burned basic refractory material containing 15 per centum or more of lime and consisting chiefly of magnesia and lime <small>NOTE: The existing customs classification treatment of the merchandise described in this item as provided for in paragraph 214, Tariff Act of 1930, in accordance with the ruling announced in Treasury Decision 45041 (60 Treasury Decisions 114) shall be continued during the effective period of this Agreement.</small>	20% ad val.
301	Spiegeleisen containing more than 1 per centum of carbon	75¢ per ton
302(d)	Ferromanganese containing not less than 4 per centum of carbon, on the metallic manganese contained therein	$\frac{3}{4}$ ¢ per lb., plus $1\frac{1}{4}$ times the lowest rate of ordinary customs duty provided for manganese ore containing in excess of 10 per centum of metallic manganese the product of any foreign country except Cuba, at the time such ferromanganese is entered, or withdrawn from warehouse, for consumption; but not more than $1\frac{1}{4}$ ¢ per lb.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
302 (i)	Ferrosilicon, containing 8 per centum or more of silicon and less than 30 per centum	1¢ per lb. on the silicon contained therein
302 (k)	Ferrochrome or ferrochromium containing 8 per centum or more of carbon	1½¢ per lb. on the chromium contained therein
302 (l)	Boron carbide	12½% ad val.
302 (m)	Ferrotitanium, ferrovanadium, and ferrouanium	15% ad val.
304	Hollow bars and hollow drill steel, valued above 8 and not above 12 cents per pound <i>Provided</i> , That the duty assessed under this item shall not be less than <i>Provided further</i> , That no article assessed with duty under this item shall be subject to a separate additional duty under the second proviso to paragraph 304 of the Tariff Act of 1930.	20% ad val. 1½¢ per lb.
318	Woven-wire cloth: Gauze, fabric, or screen, made of wire composed of steel, brass, copper, bronze, or any other metal or alloy, not specially provided for: With meshes not finer than thirty wires to the lineal inch in warp or filling  With meshes finer than thirty and not finer than ninety wires to the lineal inch in warp or filling	1¢ per sq. ft., but not less than 12½ nor more than 25% ad val.  5¢ per sq. ft., but not less than 20 nor more than 40% ad val.
323	Axles and parts thereof, axle bars, axle blanks, and forgings for axles, of iron or steel, without reference to the stage or state of manufacture, not specially provided for, valued at not more than 6 cents per pound	¾¢ per lb.
327	Cast-iron fittings for cast-iron pipe	15% ad val.
327	Cast-iron andirons, plates, stove plates, sadirons, tailors' irons, hatters' irons, but not including electric irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, or parts thereof, or finished machine parts	10% ad val.
327	Molders' patterns, of whatever material composed, for the manufacture of castings	25% ad val.
329	Chain and chains of all kinds, made of iron or steel: Less than ¾ and not less than ¼ of 1 inch in diameter Less than ¾ and not less than ¼ of 1 inch in diameter	¾¢ per lb. 1½¢ per lb.
353	Washing machines, having as an essential feature an electrical element or device, and parts thereof; any of the foregoing, finished or unfinished, wholly or in chief value of metal, and not specially provided for	17½% ad val.
353	Cooking stoves and ranges, having as an essential feature an electrical heating element, and parts thereof; any of the foregoing, finished or unfinished, wholly or in chief value of metal, and not specially provided for	17½% ad val.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
370	Motor boats, including yachts or pleasure boats, whether sail, steam, or motor propelled, valued at not more than \$15,000 each	15% ad val.
374	Aluminum, aluminum scrap, and alloys (except those provided for in paragraph 302 of the Tariff Act of 1930) in which aluminum is the component material of chief value, in crude form	3¢ per lb.
378	Cadmium	7½¢ per lb.
389	Nickel, and alloys (except those provided for in paragraph 302 or 380 of the Tariff Act of 1930) in which nickel is the component material of chief value, in pigs or ingots, shot, cubes, grains, cathodes, or similar forms	2¼¢ per lb.
393	Zinc-bearing ores of all kinds, except pyrites containing not more than 3 per centum zinc	1½¢ per lb. on the zinc contained therein
394	Zinc in blocks, pigs, or slabs, and zinc dust	1½¢ per lb.
401	Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber not specially provided for; all the foregoing, if of fir, spruce, pine, hemlock, or larch	50¢ per thousand feet, board measure
402	Maple (except Japanese maple), birch, and beech: Flooring	4% ad val.
405	Veneers of birch or maple	10% ad val.
406	Hubs for wheels, heading bolts, stave bolts, last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks or sticks, roughhewn, or rough shaped, sawed or bored	5% ad val.
407	Casks, barrels, and hogsheds (empty), of wood, not specially provided for, but not including beer barrels or beer kegs	7½% ad val.
412	Paintbrush handles; broom handles and mop handles, further advanced than rough shaped, not less than three-fourths of one inch in diameter and not less than thirty-eight inches in length; tennis-racket frames valued at \$1.75 or more each; toboggans; baby carriages; wheelbarrows; canoes and canoe paddles; carriages, drays, trucks, and other horse-drawn vehicles, and parts thereof, not specially provided for; and ice-hockey sticks; all the foregoing wholly or in chief value of wood	20% ad val.
503	Maple sugar	3¢ per lb.
503	Maple sirup	2¢ per lb.
701	Cattle, weighing less than two hundred pounds each	1½¢ per lb.
	<i>Provided, That such cattle weighing less than two hundred pounds each entered, or withdrawn from warehouse, for consumption in any calendar year after 1938 in excess of 100,000 head shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed</i>	2¼¢ per lb.



United States  
Tariff Act of  
1930  
Paragraph

## Description of Article

## Rate of Duty

701	Cattle, weighing seven hundred pounds or more each: Cows, imported specially for dairy purposes Other <i>Provided</i> , That after December 31, 1938, such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 60,000 head in any quarter year shall not be entitled to a reduction in duty by virtue of this item, and such cattle (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 225,000 head in any calendar year shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed <i>Provided further</i> , That if, after consultation with the Government of the United States of America, the Government of Canada requests the allocation of the quantity entitled to enter at the reduced rate of duty under this item, the Government of the United States of America shall take the necessary steps to allocate the said quantity among countries of export on the basis provided for in Article III of this Agreement.	1½¢ per lb. 1½¢ per lb.  3¢ per lb.
703	Swine	1¢ per lb.
703	Pork, fresh or chilled, but not frozen	1½¢ per lb.
703	Bacon, hams, and shoulders, and other pork, prepared or preserved, but not cooked, boned, packed in air-tight containers, or made into sausages of any kind	2¢ per lb.
706	Edible animal livers, kidneys, tongues, hearts, sweetbreads, tripe, and brains, fresh, chilled, or frozen	3¢ per lb., but not less than 15% ad val.
707	Whole milk, fresh or sour <i>Provided</i> , That such fresh or sour milk entered for consumption in any calendar year after 1938 in excess of 3,000,000 gallons shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed	3½¢ per gal. 6½¢ per gal.
707	Cream, fresh or sour <i>Provided</i> , That such fresh or sour cream entered for consumption in any calendar year after 1938 in excess of 1,500,000 gallons shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed	28½¢ per gal. 58½¢ per gal.
707	Skimmed milk, fresh or sour, and buttermilk	2½¢ per gal.
708(b)	Dried buttermilk	1½¢ per lb.
710	Cheddar cheese, whether or not in original loaves, but not including any cheese processed otherwise than by division into pieces	4¢ per lb., but not less than 25% ad val.
711	Birds, live: Chickens, ducks, geese, turkeys, and guineas	4¢ per lb.
712	Birds, dead, dressed or undressed, fresh, chilled, or frozen: Chickens, ducks, geese, and guineas	6¢ per lb.
713	Eggs of chickens, in the shell	5¢ per doz.
714	Horses, unless imported for immediate slaughter: Valued at not more than \$150 per head Valued at more than \$150 per head	\$15 per head 17½% ad val.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
716	Honey	1½¢ per lb.
717(a)	Fish, fresh or frozen (whether or not packed in ice), whole, or beheaded or eviscerated or both, but not further advanced (except that the fins may be removed):	
	Halibut, salmon, and swordfish (not including naturally or artificially frozen swordfish)	1¢ per lb.
	Mackerel:	
	Fresh	1¢ per lb.
	Frozen	1½¢ per lb.
	Chubs, fresh-water mullet ( <i>catostomus</i> ), jacks, lake trout, saugers, tullibees, whitefish, yellow pike, blue pike, ciscoes, lake herring, and yellow perch	¾¢ per lb.
	Shad, eels, and sturgeon (not including frozen sturgeon)	¾¢ per lb.
	Cod, haddock, hake, pollock, and cusk:	
	Without fins removed	¾¢ per lb.
	With fins removed	1¢ per lb.
717(b)	Fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: Cod, haddock, hake, pollock, cusk, and rosefish	1½¢ per lb.
	<i>Provided</i> , That such fish entered, or withdrawn from warehouse, for consumption in any calendar year after 1938 in excess of an aggregate quantity of 15,000,000 pounds shall not be entitled to a reduction in duty by virtue of this item;	
	<i>Provided further</i> , That if the average apparent annual consumption of such fish in the United States during the three calendar years preceding the year in which such fish are entered, or withdrawn from warehouse, for consumption, exceeds 100,000,000 pounds, an additional quantity of such fish equal to the amount by which 15 per centum of such average apparent annual consumption exceeds 15,000,000 pounds may be entered, or withdrawn from warehouse, for consumption in that year at the reduced rate above specified. Such average apparent annual consumption shall be taken as the sum of the following:	
	(a) The production in the United States of cod, haddock, hake, pollock, cusk, and rosefish fillets, steaks, and sticks, whether fresh or frozen, as now defined, and as reported, by the United States Bureau of Fisheries (for the purposes of this Agreement such production for the calendar year 1936 shall be considered as 94,908,000 pounds, and for the calendar year 1937, as 92,332,000 pounds);	
	(b) The quantity of cod, haddock, hake, pollock, cusk, and rosefish fillets, steaks, and sticks, whether fresh or frozen, entered into the customs territory of the United States free of duty under paragraph 1730 (a) of the Tariff Act of 1930 as products of American fisheries (for the purposes of this Agreement such quantity for the calendar year 1936 shall be considered as 40,000 pounds, and for the calendar year 1937, as 585,000 pounds); and	

United States  
Tariff Act of  
1930  
Paragraph

## Description of Article

Rate of Duty

- 717 (b) Fish, fresh or frozen—Continued.
- (c) The aggregate quantity entered, or withdrawn from warehouse, for consumption of cod, haddock, hake, pollock, cusk, and rosefish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for (for the purposes of this Agreement such quantity for the calendar year 1936 shall be considered as 6,296,000 pounds, for the calendar year 1937, as 6,719,000 pounds, and for the calendar year 1938, as 6,100,000 pounds);
- Provided further*, That if, after consultation with the Government of the United States of America, the Government of Canada requests the allocation of the quantity entitled to enter at the reduced rate of duty under this item, the Government of the United States of America shall take the necessary steps to allocate the said quantity among countries of export on the basis provided for in Article III of this Agreement.
- 717 (b) Fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for (except cod, haddock, hake, pollock, cusk, and rosefish) 2½¢ per lb.
- 719 Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):
- (1) Salmon 12½% ad val.
- (2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed):
- When containing not more than 43 per centum of moisture by weight ½¢ per lb.
- When containing more than 43 per centum of moisture by weight ¾¢ per lb.
- (3) Cod, haddock, hake, pollock, and cusk, skinned or boned, whether or not dried 1¼¢ per lb.
- (4) Herring, beheaded and eviscerated, but not further advanced (except that the fins may be removed), and herring known commercially as split herring, any of the foregoing, in bulk or in immediate containers weighing with their contents more than 15 pounds each and containing each more than 10 pounds of herring, net weight ½¢ per lb., net wt.
- (4) Mackerel, whether or not boned, in bulk or in immediate containers weighing with their contents more than 15 pounds each 1¢ per lb., net wt.
- (5) Alewives in bulk or in immediate containers weighing with their contents more than 15 pounds each ½¢ per lb., net wt.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
720 (a)	Fish, smoked or kippered (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than 15 pounds each):	
	(1) Salmon	15% ad val.
	(2) Hard dry-smoked herring, when whole or beheaded, but not further advanced	½¢ per lb.
	(3) Smoked herring, boned, whether or not skinned	1½¢ per lb.
	(4) Cod, haddock, hake, pollock, and cusk, whole, or beheaded or eviscerated or both, but not further advanced (except that the vertebral column may be removed)	1½¢ per lb.
	(5) Cod, haddock, hake, pollock, and cusk, filleted, skinned, boned, sliced, or divided into portions	2¢ per lb.
720 (b)	Cod, haddock, hake, pollock, and cusk, prepared or preserved, not specially provided for, in immediate containers weighing with their contents not more than 15 pounds each	2½¢ per lb., but not less than 12½¢ nor more than 25% ad val.
721 (b)	Razor clams ( <i>siliqua patula</i> ), packed in air-tight containers	15% ad val.
722	Barley, hulled or unhulled	15¢ per bu. of 48 lbs.
722	Barley malt	40¢ per 100 lbs.
723	Buckwheat, hulled or unhulled	15¢ per 100 lbs.
723	Buckwheat flour and grits or groats	¼¢ per lb.
726	Oats, hulled or unhulled	8¢ per bu. of 32 lbs.
726	Unhulled ground oats	25¢ per 100 lbs.
726	Oatmeal, rolled oats, oat grits, and similar oat products	10% ad val., but not less than 40¢ nor more than 80¢ per 100 lbs.
728	Rye	12¢ per bu. of 56 lbs.
728	Rye malt	35¢ per 100 lbs.
729	Wheat, unfit for human consumption	5% ad val.
730	Bran, shorts, by-product feeds obtained in milling wheat or other cereals	5% ad val.
730	Hulls of oats, barley, buckwheat, or other grains, ground or unground	5¢ per 100 lbs.
730	Dried beet pulp	\$3.75 per ton
730	Malt sprouts and brewers' grains	\$2.50 per ton
730	Mixed feeds, consisting of an admixture of grains or grain products with oil cake, oil-cake meal, molasses, or other feedstuffs	5% ad val.
731	Screenings, scalplings, chaff, or scourings of wheat, flaxseed, or other grains or seeds: Unground, or ground	5% ad val.
732	Cereal breakfast foods, and similar cereal preparations, by whatever name known, processed further than milling, and not specially provided for	10% ad val.
734	Apples, green or ripe	15¢ per bu. of 50 lbs.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
736	Berries, edible, in their natural condition or in brine, not specially provided for:	
	Blueberries	1¢ per lb.
	Other (except lingon or partridge berries)	¾¢ per lb.
736	Blueberries, prepared or preserved, or frozen, but not in brine and not dried, desiccated, or evaporated, and not specially provided for	17½% ad val.
736	Berries, edible, frozen, and not specially provided for	17½% ad val.
737	Cherries:	
	(1) In their natural state, not in air-tight or water-tight containers	1¢ per lb.
738	Cider	3¢ per gal.
753	Cut flowers, fresh, dried, prepared, or preserved	25% ad val.
763	Grass seeds and other forage crop seeds:	
	Alfalfa	4¢ per lb.
	Alsike clover	4¢ per lb.
	Red clover	4¢ per lb.
	Sweet clover	2¢ per lb.
	Timothy	1¢ per lb.
	Bent-grass ( <i>genus agrostis</i> )	20¢ per lb.
	Bluegrass	2½¢ per lb.
	Wheatgrass	1¢ per lb.
	Bromegrass	1¢ per lb.
764	Tree and shrub seeds	4¢ per lb.
766	Beets, other than sugar beets	10% ad val.
769	Peas, green or unripe, when imported and entered for consumption during the period from July 1 to September 30, inclusive, in any year	2¢ per lb.
771	White or Irish seed potatoes, certified by a responsible officer or agency of a foreign government in accordance with the official rules and regulations of that government to have been grown and approved especially for use as seed, in containers marked with the foreign government's official certified seed potato tags, when entered for consumption during the period	
	From March 1 to November 30, inclusive, in any year	37½¢ per 100 lbs.
	From December 1 in any year to the last day of the following February, inclusive	60¢ per 100 lbs.
	<i>Provided</i> , That if and when the United States is no longer obligated to accord to such potatoes produced in the Republic of Cuba a preferential reduction in the rate of duty in excess of 20 per centum, the rate of duty under this item during the entire year shall be	37½¢ per 100 lbs.
	<i>Provided further</i> , That such potatoes entered for consumption in the 12-month period beginning on September 15 in the year 1938 or any subsequent year in excess of an aggregate quantity of 1,500,000 bushels of 60 pounds each shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed	75¢ per 100 lbs.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
771	White or Irish potatoes, other than certified seed potatoes, as defined in the preceding item, when entered for consumption during the period From March 1 to November 30, inclusive, in any year From December 1 in any year to the last day of the following February, inclusive <i>Provided</i> , That such potatoes entered for consumption in the 12-month period beginning on September 15 in the year 1938 or any subsequent year in excess of an aggregate quantity of 1,000,000 bushels of 60 pounds each shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed <i>Provided further</i> , That if for any calendar year the production of white or Irish potatoes, including seed potatoes, in the United States, according to the estimate made as of September 1 by the United States Department of Agriculture, is less than 350,000,000 bushels of 60 pounds each, an additional quantity of such potatoes, other than certified seed potatoes, equal to the amount by which such estimated production is less than 350,000,000 bushels may be entered for consumption during the 12-month period beginning on September 15 of that year at the reduced rates above specified; <i>And provided further</i> , That in computing the quantities of imports specified in the two foregoing provisos white or Irish potatoes produced in the Republic of Cuba shall not be included.	37½¢ per 100 lbs. 60¢ per 100 lbs. 75¢ per 100 lbs.
773	Turnips and rutabagas	12½¢ per 100 lbs.
774	Carrots, radishes, and cauliflower, in their natural state	25% ad val.
779	Hay	\$2.50 per ton of 2,000 lbs.
779	Straw	75¢ per ton of 2,000 lbs.
802	Whiskey of all types and classes, not consisting in any part of distilled spirits which have not been aged in wooden containers at least four years prior to the date the whiskey is entered, or withdrawn from warehouse, for consumption	\$2.50 per proof gal.
1001	Flax straw	\$1.50 per ton
1007	Hose, suitable for conducting liquids or gases, wholly or in chief value of vegetable fiber	10¢ per lb. and 7½% ad val.
1401	Uncoated papers commonly or commercially known as book paper, and all uncoated printing paper, not specially provided for, not including cover paper	½¢ per lb. and 5% ad val.
1402	Pulpboard in rolls for use in the manufacture of wallboard, not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for	5% ad val.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1404	Papers commonly or commercially known as tissue paper, stereotype paper, and copying paper, india and bible paper, condenser paper, carbon paper, coated or uncoated, bibulous paper, pottery paper, tissue paper for waxing, and all paper similar to any of the foregoing, not specially provided for, colored or uncolored, white or printed: Weighing not over 6 pounds to the ream, and whether in sheets or any other form, valued at not more than 15 cents per pound	3¢ per lb. and 10% ad val.
	Weighing over 6 pounds and less than 10 pounds to the ream, valued at not more than 15 cents per pound	2½¢ per lb. and 7½% ad val.
1404	Crepe paper, commonly or commercially so known, including paper creped or partly creped in any manner, valued at not more than 12½ cents per pound	3¢ per lb. and 7½% ad val.
1409	Hanging paper, not printed, lithographed, dyed, or colored	7½% ad val.
1410	Tourist literature containing historical, geographic, time table, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States: If of bona fide foreign authorship All other	7½% ad val. 12½% ad val.
1410	Drawings, engravings, photographs, etchings, maps, and charts, containing additional text conveying historical, geographic, time table, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States	12½% ad val.
1413	Pulpboard in rolls for use in the manufacture of wallboard, surface stained or dyed, lined or vat-lined, embossed, or printed	15% ad val.
1502	Lacrosse sticks	15% ad val.
1502	Ice skates and parts thereof	15% ad val.
1519 (c)	Silver or black fox furs or skins, dressed or undressed, not specially provided for	37½% ad val.
1530 (b)	Leather (except leather provided for in subparagraph (d) of paragraph 1530 of the Tariff Act of 1930), made from hides or skins of cattle of the bovine species: (3) leather to be used in the manufacture of harness or saddlery (4) patent leather, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	10% ad val. 7½% ad val.
1530 (e)	Skating boots and shoes, made wholly or in chief value of leather, sewed or stitched by the process or method known as McKay, if attached to ice skates, and not specially provided for	15% ad val.
1532 (b)	Gloves wholly or in chief value of leather made from horsehides or cowhides (except calfskins), whether wholly or partly manufactured	15% ad val.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1537 (b)	Hose and tubing, having at no point an inside diameter of less than three-eighths of one inch, suitable for conducting liquids or gases, wholly or in chief value of india rubber (not known as "hard rubber") or gutta-percha, not specially provided for	12½% ad val.
1541 (a)	Pipe organs or pipe-organ player actions and parts thereof especially designed and constructed for installation and use in a particular church, or in a particular public auditorium at which it is not customary to charge an admission fee, which are imported for that specific use, and which are so installed and used within one year from the date of importation:	
	Pipe organs and parts thereof	17½% ad val.
	Pipe-organ player actions and parts thereof	20% ad val.
1541 (a)	Pipe organs and parts thereof, not specially provided for	17½% ad val.
1541 (a)	Pipe-organ player actions and parts thereof, not specially provided for	30% ad val.
1555	Waste, not specially provided for	7½% ad val.
1558	Evergreen Christmas trees	5% ad val.
1601	Sulphuric acid or oil of vitriol	Free
1604	Agricultural implements: Plows, tooth or disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horse-rakes, cultivators, thrashing machines, wagons and carts, cream separators valued at not more than \$50 each, and all other agricultural implements of any kind or description (except tractors), not specially provided for, whether in whole or in parts, including repair parts	Free
1606(a) and (b)	Bulls, cows, hogs, and sheep, imported by a citizen of the United States specially for breeding purposes	Free, subject to the proviso to paragraph 1606 (a) and (b), Tariff Act of 1930
1616	Asbestos, unmanufactured, asbestos crudes, fibers, stucco, and sand and refuse containing not more than 15 per centum of foreign matter	Free
1641	Calcium: Cyanamid or lime nitrogen	Free
1651	Coal-tar products: Benzene, toluene, xylene, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, and all other distillates of crude coal tar, not specially provided for, which on being subjected to distillation yield in the portion distilling below 190 degrees centigrade a quantity of tar acids less than 5 per centum of the original distillate	Free
1652	Cobalt and cobalt ore	Free
1667	Sodium cyanide	Free
1669	All drugs of animal origin, including fish livers, which are natural and uncompounded drugs and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol	Free



United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1672	Crude artificial abrasives, not specially provided for	Free
1681	Furs and fur skins, not specially provided for, undressed:	
	Mink, beaver, muskrat, wolf, including prairie wolf, skunk, otter, lynx, and fisher	Free
1688	Cattle-body hair (including calf-body hair) and horse-body hair, cleaned or uncleaned, but unmanufactured, not specially provided for	Free
1716	Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached	Free
1719	Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for:	
	Lignite	Free
	Natural gas	Free
	Gravel	Free
	Nepheline syenite	Free
	NOTE: Nepheline syenite is subject to the proviso to item 214.	
1734	Nickel ore, nickel matte, and nickel oxide	Free
1743	Plaster rock (including anhydrite) and gypsum, crude	Free
	NOTE: The existing customs classification treatment of gypsum which has been broken merely for the purpose of facilitating its shipment to the United States, as "crude" in accordance with the decision of the United States Court of Customs and Patent Appeals, published as Treasury Decision 45725 (61 Treasury Decisions 1215), shall be continued during the effective period of this Agreement.	
1749	Radium, and salts of	Free
1756	Sea herring and smelts, fresh or frozen, whether or not packed in ice, and whether or not whole	Free
1758	Selenium, and salts of	Free
1760	Shingles of wood	Free
	Provided, That the United States reserves the right to impose a customs duty, not exceeding 25 cents per square, on any red cedar shingles which may be entered, or withdrawn from warehouse, for consumption in any calendar year after 1938 in excess of a quantity to be specified by the United States, which quantity shall not be less than 30 per centum of the annual average for the preceding three calendar years of the combined total of the quantity of red cedar shingles shipped by producers in the United States and of the quantity of such shingles entered, or withdrawn from warehouse, for consumption (for the purposes of this Agreement, such combined total for the calendar year 1936 shall be considered as 7,526,056 squares).	
1761	Lobsters (except spiny lobsters), fresh or frozen (whether or not packed in ice), or prepared or preserved in any manner (including pastes and sauces), and not specially provided for	Free
1761	Clams, quahaugs, oysters (except seed oysters), and crabs, fresh or frozen (whether or not packed in ice), and not specially provided for	Free
1761	Scallops, fresh but not frozen (whether or not packed in ice)	Free
1772	Standard newsprint paper	Free

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1775	Stone and sand: Burrstone in blocks, rough or unmanufactured; quartzite; traprock; rottenstone, tripoli, and sand, crude or manufactured; silica; cliff stone, freestone, granite, and sandstone, unmanufactured, and not suitable for use as monumental, paving, or building stone; all the foregoing not specially provided for	Free
1803(1)	Timber hewn, sided, or squared, otherwise than by sawing, and round timber used for spars or in building wharves; sawed lumber and timber, not further manufactured than planed, and tongued and grooved; all the foregoing, if not of balsa, teak, cedar commercially known as Spanish cedar, lignum-vitae, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, Japanese white oak, or Japanese maple, and not specially provided for	Free
1803(2)	Logs; timber, round, unmanufactured; pulp woods; firewood, handle bolts, shingle bolts; and laths; all the foregoing, not cabinet woods or balsa, and not specially provided for	Free
1804	Posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods	Free
1805	Pickets, palings, hoops, and staves of wood of all kinds	Free
Revenue Act of 1932, as amended Section	Description of Article	Rate of Import Tax
601(c) (6)	Lumber, including sawed timber, rough, or planed or dressed on one or more sides, except flooring made of maple, birch, and beech, and except lumber and timber of Northern white pine ( <i>pinus strobus</i> ), Norway pine ( <i>pinus resinosa</i> ), Western white spruce, balsa, teak, cedar commercially known as Spanish cedar, lignum-vitae, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, Japanese white oak, or Japanese maple	\$1.50 per thousand feet, board measure
601(c) (8)	Shark oil and shark-liver oil, including oil produced from sharks known as dogfish	1½¢ per lb.

WHEREAS such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are set forth and provided for in the said Agreement and the two Schedules thereunto annexed are required and appropriate to carry out the said Agreement;

WHEREAS it is provided in Article XVIII of the said Agreement that it shall be proclaimed by the President of the United States of America and shall be ratified by His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, and that it shall enter definitively into force on the day of the exchange of the instrument of ratification and a copy of the proclamation;

WHEREAS it is further provided in Article XVIII of the said Agreement that, pending the definitive coming into force of the Agreement, the provisions of Article IX shall be applied provisionally on and after

the day following the proclamation of the Agreement by the President of the United States of America, and that the provisions of Article I, Article VI and Article VII shall be applied provisionally on and after January 1, 1939, subject to the reservations and exceptions elsewhere provided for in the Agreement;

WHEREAS it is further provided in Article XVIII of the said Agreement that upon the provisional application of Article I, Article VI and Article VII of the present Agreement, and during the continuance of such provisional application, the provisions of Article I, Article III and Article IV of the Trade Agreement concluded between the United States of America and Canada on November 15, 1935 shall be inoperative, and that upon the definitive coming into force of the present Agreement the whole of the said Agreement of November 15, 1935 shall terminate;

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, find that the suspension of the effectiveness of the proviso to subdivision (J) of Section 304 (a) (3) of the Tariff Act of 1930, as amended, is required to carry out the present Agreement;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934 (as extended by the said Joint Resolution of March 1, 1937), and as further amended by Section 3 of the said Customs Administrative Act of 1938, do hereby proclaim the said Agreement, including the said Schedules, to the end that the provisions of Article IX thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after the day following the date of this my proclamation, and that the provisions of Article I, Article VI and Article VII of the said Agreement may be so observed and fulfilled on and after January 1, 1939, pending the definitive coming into force of the Agreement, and that the entire Agreement and every part thereof may be so observed and fulfilled on and from the day of the exchange of a copy of this my proclamation for the ratification of His Majesty in respect of Canada, as provided for in Article XVIII of the said Agreement, and I do further proclaim (1) that the effectiveness of the proviso to subdivision (J) of Section 304 (a) (3) of the Tariff Act of 1930, as amended, shall be suspended on the day following the date of this my proclamation; (2) that my proclamations of December 2, 1935 and May 14, 1936, in so far as they relate to the provisions of Article I, Article III, Article IV, Schedule I and Schedule II of the Trade Agreement concluded between the United States of America and Canada on November 15, 1935, shall be terminated upon the provisional application of Article I, Article VI and Article VII of the present Agreement on January 1, 1939; and (3) that the said proclamations of December 2, 1935 and May 14, 1936 shall be terminated in whole on the day on which the present Agreement shall come definitively into force.

49 Stat. 3961, 3962.

52 Stat. 1077.  
19 U. S. C., Supp.  
IV, § 1304.

Proclamation.

48 Stat. 943; 50 Stat.  
24; 52 Stat. 1077.  
19 U. S. C. § 1351;  
Supp. IV, § § 1352 (c),  
1304.

Effectiveness of cer-  
tain timber, etc., pro-  
visions suspended.  
Termination of cer-  
tain proclamations.  
49 Stat. 3963, 3964.

49 Stat. 3961, 3962,  
3968, 3977.

49 Stat. 3963, 3964.

48 Stat. 943, 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

PURSUANT to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties herein proclaimed is to be suspended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-fifth day of November in the year of our Lord one thousand nine hundred and [SEAL] thirty-eight and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

### [SUPPLEMENTARY PROCLAMATION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

WHEREAS, by my proclamation of November 25, 1938, I did make public the Trade Agreement, including two annexed Schedules, which, pursuant to Section 350 (a) of the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934 entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), as extended by joint resolution of Congress approved March 1, 1937 (50 Stat. 24), I entered into on November 17, 1938 through my duly empowered plenipotentiary, with His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, through his duly empowered plenipotentiary, in order that pending the definitive coming into force of the Agreement the provisions of Article IX should be applied provisionally on and after the day following my proclamation of the said Agreement in accordance with Article XVIII thereof, and the provisions of Article I, Article VI and Article VII should be applied provisionally on and after January 1, 1939 as also provided in the said Article XVIII, subject to the reservations and exceptions elsewhere provided for in the Agreement;

AND WHEREAS it is further provided in the said Article XVIII that the said Agreement shall enter definitively into force on the day of the exchange of the proclamation of the President of the United States of America and the instrument of ratification by His Majesty in respect of Canada;

AND WHEREAS the proclamation of the President of the United States of America and the ratification of His Majesty in respect of Canada were exchanged at Ottawa on June 17, 1939.

48 Stat. 943, 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, supplementing my said proclamation of November 25, 1938, do hereby proclaim that the entire Agreement of November 17, 1938, entered definitively into force on June 17, 1939, and that on the definitive coming into force of the said Agreement on that date the whole of the Trade Agreement between the President of the United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, signed at Washington on November 15, 1935, terminated in accordance with the stipulation to that effect in paragraph 3 of Article XVIII of the Agreement of November 17, 1938; and I do hereby call upon the United States of America and all the citizens thereof to observe and fulfill the entire Agreement of November 17, 1938 with good faith on and from June 17, 1939.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventeenth day of June in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

### EXCHANGE OF NOTES

*The Secretary of State (Hull) to the Minister of Canada (Marler)*

DEPARTMENT OF STATE

WASHINGTON

*November 17, 1938*

SIR:

I have the honor to inform you that the Government of the United States, in the special circumstances, will refrain from claiming under Article I of the Trade Agreement signed this day any advantages now accorded or which may hereafter be accorded by Canada to any territory under the mandate of His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

SIR HERBERT MARLER, P. C., K. C. M. G.,

*Minister of Canada.*

*The Minister of Canada (Marler) to the Secretary of State (Hull)*

CANADIAN LEGATION

WASHINGTON

November 17, 1938

SIR,

I have the honour to acknowledge the receipt of your Note of today's date, informing me, with reference to the Trade Agreement signed this day, that the United States of America will, in the special circumstances, refrain from claiming under Article I of the Agreement any advantages now accorded or which may hereafter be accorded by Canada to any territory under the mandate of His Majesty the King of Great Britain, Ireland, and the British dominions beyond the Seas, Emperor of India, which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

I have taken note with pleasure of your communication in the above sense.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M. MARLER

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

**LUMBER DECLARATION**

The Governments of Canada and the United States of America, desiring to proceed toward the removal of those restrictions on the international trade in lumber which have operated to the disadvantage of their respective lumber industries;

Recognizing that as a first step towards this objective the duties and taxes levied on lumber imported into the United States from Canada were reduced by 50 per cent to \$2 per thousand feet in the Trade Agreement concluded between Canada and the United States of America on November 15, 1935;

Noting that as a consequence of the coming into force of the Trade Agreements signed this day:

(1) the United Kingdom duty on softwood lumber in those forms of which the United States is an important supplier of the United Kingdom's requirements will not exceed 16 shillings per standard (approximately \$2 per thousand feet), without any restriction as to the quantity that may be imported at the reduced rate of duty;

(2) the preferential margins enjoyed by lumber of Empire origin in the British West Indian Colonies will not exceed \$2 per thousand feet;

(3) the Canadian duty on planed or dressed lumber imported from the United States will be reduced by 50 per cent and the special excise

tax of 3 per cent will be removed from rough and dressed lumber, without any restriction as to the quantity that may be imported either at the reduced rates of duty or free;

(4) the quantity of red cedar shingles that may be imported into the United States free of duty will be fixed at 30 per cent of United States consumption and imports in excess of this quantity will not be dutiable at more than 25 cents per square;

(5) the quantitative restriction on the importation into the United States of lumber of Douglas fir and Western Hemlock at the reduced rates of duty and tax in effect since January 1st, 1936, and confirmed by the Trade Agreement signed today, will be removed; and that

(6) lumber and timber imported from Canada will not be required to be marked to indicate their country of origin.

Noting further that the Governments of Canada, the United Kingdom, and the United States of America are, for their part, prepared to give effect to the arrangement envisaged in the Trade Agreement between the United Kingdom and the United States whereby lumber of the values and sizes therein set forth shall on its importation into the United Kingdom from the United States of America be admitted free of duty as soon as the import excise tax now levied on Canadian lumber imported into the United States is removed.

Have resolved to record their readiness to cooperate, as opportunity occurs, in restoring the reciprocal advantages enjoyed by the timber products of their respective countries prior to the general resort to retaliatory restrictions on the importation of lumber and to confirm their understanding that the Government of Canada will interpose no objection to the reduction by Empire Governments other than the United Kingdom of differential duties now levied on United States lumber to a point at which the margin of preference enjoyed by Canadian lumber will not exceed the duties and taxes now imposed on Canadian lumber on importation into the United States and that when, and for so long as, the United States import excise tax ceases to apply to lumber imported from Canada, Canada will concur in any request it may receive from such Empire Government for the extension to United States lumber of the tariff treatment enjoyed by Canadian lumber.

WASHINGTON,

*November 17, 1938.*

## [ALLOCATION OF TARIFF QUOTA ON HEAVY CATTLE]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat.

48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, § 1352 (c).

943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."



WHEREAS, pursuant to the said Tariff Act of 1930, as amended, I entered into a Trade Agreement on November 17, 1938, with His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada;

WHEREAS, by my proclamation of November 25, 1938, I did make public the said Trade Agreement, including two Schedules annexed thereto, and in my proclamation provided that the provisions of Article VII of the said Agreement should be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after January 1, 1939;

WHEREAS, Article VII of the said Agreement provides as follows:

"1. Articles the growth, produce or manufacture of Canada enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

"2. Schedule II shall have full force and effect as an integral part of this Agreement."

WHEREAS, Schedule II annexed to the said Agreement provides in part as follows:

"United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
701	Cattle, weighing seven hundred pounds or more each:	
	Cows, imported specially for dairy purposes	1½¢ per lb.
	Other	1½¢ per lb.
	<i>Provided, That after December 31, 1938, such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 60,000 head in any quarter year shall not be entitled to a reduction in duty by virtue of this item, and such cattle (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 225,000 head in any calendar year shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed</i>	
	<i>Provided further, That if, after consultation with the Government of the United States of America, the Government of Canada requests the allocation of the quantity entitled to enter at the reduced rate of duty under this item, the Government of the United States of America shall take the necessary steps to allocate the said quantity among countries of export on the basis provided for in Article III of this Agreement.</i>	3¢ per lb.

WHEREAS, Article III of the said Agreement reads as follows:

"If imports of any article into either country should be regulated either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by that country in past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. In those cases in which the other country is a relatively large supplier of any such article, the Government of the country imposing the regulation shall, whenever practicable, consult with the Government of the other country before the share to be allocated to that country is determined."

WHEREAS, after consultation with the Government of the United States of America, the Government of Canada has requested the allocation among the countries of export of the quantity of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entitled to a reduction in duty by virtue of the said item 701 of Schedule II annexed to the said Agreement;

WHEREAS such allocation is required and appropriate to carry out the said Agreement;

WHEREAS I find that, taking into account special factors affecting the trade, imports into the United States of America from all countries of such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) during the years 1936 and 1937 were representative of the trade in such articles;

WHEREAS I find that the proportions of total imports into the United States of America for consumption of such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) supplied by Canada and by other foreign countries, respectively, during the years 1936 and 1937 were as follows:

Canada	86.2 per centum
Other foreign countries	13.8 per centum

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim that no more than 142,230 head of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes), the produce of Canada, nor more than 22,770 head of such cattle, the produce of other foreign countries, entered, or withdrawn from warehouse, for consumption during the period April 1 to December 31, 1939, inclusive, shall be entitled to a reduction in duty by virtue of the said item 701 of

Schedule II of the said Agreement; and that no more than 51,720 head of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes), the produce of Canada, nor more than 8,280 head of such cattle, the produce of other foreign countries, entered, or withdrawn from warehouse, for consumption in any calendar quarter year during the period April 1 to December 31, 1939, inclusive, shall be entitled to a reduction in duty by virtue of the said item 701 of Schedule II of the said Agreement.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of February in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

July 8, 1939  
[E. A. S. No. 150]

*Supplementary agreement between the United States of America and Haiti further modifying the agreement of August 7, 1933. Signed July 8, 1939; effective October 1, 1939.*

SUPPLEMENTARY EXECUTIVE AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF HAITI ACCORD EXECUTIF ADDITIONNEL ENTRE LES ETATS UNIS D'AMERIQUE ET LA REPUBLIQUE D'HAITI

Supplementary financial agreement with Haiti.

The undersigned plenipotentiaries, duly authorized by their respective Governments, have agreed upon the following Supplementary Executive Agreement: Les Plénipotentiaires, soussignés, dûment autorisés par leurs Gouvernements respectifs, sont convenus de l'Accord Exécutif Additionnel suivant:

ARTICLE I

ARTICLE I

Deposit of receipts.

On and after October 1, 1939 and until and including September 30, 1940, all monies received by or for the Haitian Government shall be deposited in the National Bank of the Republic of Haiti to the credit of the Haitian Government with the exception of the following sums which will be deposited to the credit of the Fiscal Representative: 1. the five per centum of customs revenues foreseen in Article IX of the Accord of August 7, 1933, and 2. the amounts needed for payments connected with execution of the Loan Contracts which payments during the period mentioned shall consist of: (a) the amounts necessary to pay the interest on all outstanding bonds issued under the Loan Contracts of October 6, 1922 and May 26, 1925 and: (b) \$20,000.00 am. on account of the amounts required to be paid under such Loan Contracts for the amortization of the bonds and

A partir du 1er. Octobre 1939 et jusqu'au 30 Septembre 1940 inclusivement, tous les fonds recouvrés par ou pour le Gouvernement Haitien seront déposés, au crédit du Gouvernement Haitien, à la Banque Nationale de la République d'Haiti, à l'exception des sommes suivantes qui seront déposées au crédit du Représentant Fiscal: 1o. les 5% des recettes douanières prévus à l'Article IX de l'Accord du 7 Août 1933 et 2o. les fonds exigibles pour les paiements, afférents au service des contrats d'emprunt, lesquels paiements, durant la période susmentionnée, consisteront a) en les valeurs nécessaires pour payer les intérêts sur tous les titres en circulation, émis d'après les contrats d'emprunt du 6 octobre 1922 et du 26 mai 1925 et b) en une somme de \$20,000.00 américains à valoir sur les valeurs exigibles, d'après les susdits contrats d'emprunt pour l'amortissement des

48 Stat. 1780.

3. all additional receipts which titres, et 3o. toutes les recettes the Haitian Government will col- additionnelles que le Gouverne- lect during the fiscal year 1939- ment Haitien aura recouvrées pen- 1940 over and above the amount dant l'année fiscale 1939-1940 en carried in the budget 1938-39 and sus de la valeur portée au budget over and above all other amounts 1938-1939 et en sus de toutes which may be deemed necessary autres valeurs qui peuvent être by the Secretary of State for jugées nécessaires par le Secrétaire Finance in accord with the Fiscal d'Etat des Finances, d'accord avec Representative, to be expended le Représentant Fiscal, pour être as extraordinary appropriations to consacrées comme affectations ex- meet serious emergencies. traordinaires, en vue de faire face à des circonstances extraordinaires et imprévues.

## ARTICLE II

The provisions of the first sentence of Article XI and the first and last sentences of Article XVI of the Accord of August 7, 1933, to the extent and only to the extent that they may be inconsistent with the provisions of Article I of this Accord, shall be suspended so long as this Supplementary Executive Agreement remains in effect.

Signed at Port-au-Prince, in duplicata, in the english and french languages, this 8th day of July nineteen hundred and thirty-nine.

FERDINAND L. MAYER

[SEAL]

## ARTICLE II

Les effets des dispositions de la première phrase de l'article XI et de la première et de la dernière phrases de l'article XVI de l'Accord du 7 Août 1933 seront, en tant seulement qu'ils sont contraires aux dispositions de l'article premier du présent Accord, suspendus, tant que cet Accord Exécutif Additionnel restera en vigueur.

Fait de bonne foi, en double, en anglais et en français à Port-au-Prince, le 8 Juillet mil neuf cent trente neuf.

LEON LALEAU

[SEAL]

Suspension of certain provisions.  
48 Stat. 1781, 1783.

Signatures

August 2, 1939  
[E. A. S. No. 151]

*Commercial agreement between the United States of America and the Union of Soviet Socialist Republics continuing in force until August 6, 1940, the agreement of August 4, 1937; effected by exchange of notes, signed at Moscow August 2, 1939; approved by the Council of People's Commissars of the Union of Soviet Socialist Republics August 4, 1939; proclaimed by the President of the United States August 4, 1939; effective August 6, 1939. And related notes.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

Continuance of  
commercial agreement  
with the Union of  
Soviet Socialist Re-  
publics.

WHEREAS by my authority, the Chargé d'Affaires ad interim of the United States of America at Moscow exchanged at that capital on August 2, 1939, with the authorized representative of the Union of Soviet Socialist Republics identic notes, constituting an agreement in regard to commerce between the United States of America and the Union of Soviet Socialist Republics and the continuance of favorable commercial relations between the two countries, which notes are word for word as follows:

Texts of notes.

Moscow, August 2, 1939.

#### EXCELLENCY:

In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the United States of America and the Union of Soviet Socialist Republics recorded in the exchange of notes between the American Ambassador and the People's Commissar for Foreign Affairs on August 4, 1937, which came into force on August 6, 1937, upon proclamation thereof on that date by the President of the United States of America and approval thereof by the Council of People's Commissars of the Union of Soviet Socialist Republics on the same date, and which was renewed for one year on August 5, 1938, shall continue in force until August 6, 1940. This agreement shall be proclaimed by the President of the United States of America and approved by the Council of People's Commissars of the Union of Soviet Socialist Republics.

50 Stat. 1619.

Ante, p. 1947.

Accept, Excellency, the renewed assurances of my highest consideration.

STUART E. GRUMMON  
*Chargé d'Affaires ad interim  
of the United States of America*

His Excellency

A. I. MIKOYAN,

*People's Commissar for Foreign Trade,  
Moscow.*

[Translation]

Moscow, August 2, 1939.

MR. CHARGÉ D'AFFAIRES:

In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the Union of Soviet Socialist Republics and the United States of America recorded in the exchange of notes between the People's Commissar for Foreign Affairs and the American Ambassador on August 4, 1937, which came into force on August 6, 1937, upon approval thereof on that date by the Council of People's Commissars of the Union of Soviet Socialist Republics and the proclamation thereof by the President of the United States of America on the same date, and which was renewed for one year on August 5, 1938, shall continue in force until August 6, 1940. This agreement shall be approved by the Council of People's Commissars of the Union of Soviet Socialist Republics and proclaimed by the President of the United States of America.

Confirmation by  
Union of Soviet So-  
cialist Republics.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

A. MIKOTAN

MR. STUART E. GRUMMON,  
*Chargé d'Affaires ad interim*  
*of the United States of America,*  
*Moscow.*

AND WHEREAS, it is provided in the said agreement that the agreement shall be proclaimed by the President of the United States of America and approved by the Council of People's Commissars of the Union of Soviet Socialist Republics:

NOW, THEREFORE, BE IT KNOWN THAT I, Franklin D. Roosevelt, President of the United States of America, do hereby make known and proclaim the said agreement and, having been notified that the same has been approved on this day by the Council of People's Commissars of the Union of Soviet Socialist Republics, direct that it be observed and fulfilled with good faith by the United States of America on and after August 6, 1939.

Proclamation.

Effective date.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of August in the year of our Lord one thousand nine hundred and thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## RELATED NOTES

1. CONCERNING THE AMOUNT OF PURCHASES TO BE MADE BY THE  
UNION OF SOVIET SOCIALIST REPUBLICS IN THE UNITED  
STATES OF AMERICA

*The American Chargé d'Affaires ad interim (Grummon) to the  
People's Commissar for Foreign Trade (Mikoyan)*

EMBASSY OF THE UNITED STATES OF AMERICA  
*Moscow, August 2, 1939.*

EXCELLENCY:

I have the honor to refer to our recent conversations in regard to the commerce between the United States of America and the Union of Soviet Socialist Republics and to ask you to let me know the value of articles, the growth, produce, or manufacture of the United States of America which the Government of the Union of Soviet Socialist Republics intends to purchase in the United States of America during the next twelve months for export to the Union of Soviet Socialist Republics.

Accept, Excellency, the renewed assurances of my highest consideration.

STUART E. GRUMMON  
*Chargé d'Affaires ad interim  
of the United States of America.*

His Excellency  
A. I. MIKOYAN,  
*People's Commissar for Foreign Trade,  
Moscow.*

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*The People's Commissar for Foreign Trade (Mikoyan) to the  
American Chargé d'Affaires ad interim (Grummon)*

[Translation]

*Moscow, August 2, 1939.*

MR. CHARGÉ D'AFFAIRES:

In reply to your inquiry regarding the intended purchases by the Union of Soviet Socialist Republics in the United States of America in the course of the next twelve months, I have the honor to inform you that the economic organizations of the Union of Soviet Socialist Republics intend to buy in the United States of America in the course of the next twelve months American goods to the amount of at least forty million dollars.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

A. MIKOYAN  
Mr. S. E. Grummon,  
*Chargé d'Affaires ad interim  
of the United States of America,  
Moscow.*



2. EXEMPTION FROM EXCISE TAX OF COAL, COKE, AND COAL OR COKE  
BRIQUETTES IMPORTED INTO THE UNITED STATES FROM THE UNION  
OF SOVIET SOCIALIST REPUBLICS

*The American Chargé d'Affaires ad interim (Grummon) to the  
People's Commissar for Foreign Trade (Mikoyan)*

EMBASSY OF THE UNITED STATES OF AMERICA

EXCELLENCY:

*Moscow, August 2, 1939.*

With reference to the agreement signed today continuing the agreement concerning commerce between the United States of America and the Union of Soviet Socialist Republics which came into force on August 6, 1937, I have the honor to state that the Embassy has been informed that the authorities of the Treasury Department of the United States will admit coal of all sizes, grades, and classifications (except culm and duff), coke manufactured therefrom, and coal or coke briquettes, imported from the Union of Soviet Socialist Republics free from the import tax provided in Section 601 (c) (5) of the Revenue Act of 1932, as amended, during the life of the agreement unless other treatment is required by controlling judicial decision hereafter rendered.

Accept, Excellency, the renewed assurances of my highest consideration.

STUART E. GRUMMON,  
*Chargé d'Affaires ad interim  
of the United States of America.*

His Excellency

A. I. MIKOYAN,

*People's Commissar for Foreign Trade,*

*Moscow.*

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*The People's Commissar for Foreign Trade (Mikoyan) to the  
American Chargé d'Affaires ad interim (Grummon)*

[Translation]

*MOSCOW, August 2, 1939.*

MR. CHARGÉ D'AFFAIRES:

In reply to your inquiry regarding the intended exports of Soviet coal to the United States of America during the ensuing twelve months, I may state that the economic organizations of the Union of Soviet Socialist Republics will not in any case export to the United States of America during the year beginning August 6, 1939, more than 400,000 tons of Soviet coal.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

A. MIKOYAN

MR. S. E. GRUMMON,

*Chargé d'Affaires ad interim  
of the United States of America,*

*Moscow.*

July 15, 1939

[E. A. S. No. 152]

*Arrangement between the United States of America and France respecting air navigation. Effected by exchange of notes signed July 15, 1939; effective August 15, 1939.*

*The American Ambassador (Bullitt) to the French Minister of Foreign Affairs (Bonnet)*

No. 1929 EMBASSY OF THE UNITED STATES OF AMERICA

*Paris, July 15, 1939.*

EXCELLENCY:

Reciprocal air navigation arrangement with France.

I have the honor to inform you that the Government of the United States of America desires to conclude with the Government of France a reciprocal arrangement in the following terms, governing the navigation of aircraft of each country in territory of the other country.

# ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO AIR NAVIGATION.

## ARTICLE 1.

Provisional arrangement.

Pending the conclusion of a convention between the United States of America and France on the subject of air navigation, the movement of aircraft of one contracting Party over the territory of the other contracting Party shall be governed by the following provisions:

## ARTICLE 2.

Area affected.

The present arrangement shall apply to the metropolitan territory of France and the United States of America, as well as the following territories, possessions or colonies, including their territorial waters over which the two countries respectively exercise jurisdiction:

- (a) St. Pierre and Miquelon;  
Martinique;  
Guadeloupe and dependencies; and  
French Guiana.
- (b) Puerto Rico;  
Virgin Islands of the United States; and  
American Samoa.

## ARTICLE 3.

"Aircraft" defined.

The term "aircraft" employed in the present agreement shall be understood to mean private aircraft, and State aircraft, other than military, customs and police aircraft, duly registered in the territory of either of the contracting Parties.

Designated aircraft not included.

The present arrangement does not apply to military, customs or police aircraft of either contracting Party, which may not, without special authorization, be flown over the territory of the other contracting Party nor land there.

## ARTICLE 4.

Each of the contracting Parties shall grant, in time of peace, to aircraft of the other contracting Party, duly registered in the territory of such Party, liberty of passage above its territory, provided that the conditions set forth in the present arrangement are observed.

Liberty of passage.

It is, however, agreed that the establishment and operation, by an enterprise of one of the contracting Parties, of a regular air route or air transport service to, over or away from the territory of the other contracting Party, with or without a stop, shall be subject to the consent of such other Party. Any air transport enterprise of either Party applying for permission to operate such regular air route or air transport service shall be required to submit its application through diplomatic channels.

Regular routes, consent required.

Application for operation through diplomatic channels.

With the reservation of the stipulations contained in the second paragraph above concerning regular air routes or air transport services for which special consent is necessary, the aircraft of either contracting Party may proceed to one or more points of the territory of the other Party, either to land part or all of their passengers or of their cargo of foreign origin, or to take aboard part or all of their passengers, or of their cargo for a foreign destination. Each of the Parties to this arrangement may reserve to its own aircraft air commerce wholly within its own territory.

Air commerce, etc.

The term "air commerce" as used in the preceding paragraph shall, with respect to the Parties to this arrangement, be understood to mean:—(a) navigation of aircraft in territory of either Party in the conduct or furtherance of a business; (b) the commercial transport of persons or goods between any two points in the territory of either Party.

"Air commerce" defined.

## ARTICLE 5.

The aircraft of each of the contracting Parties, their crews and passengers, and goods carried thereon, shall, while within the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air navigation applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning immigration, quarantine, customs and clearance.

Jurisdiction.

The contracting Parties agree to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite communication by aircraft between their respective territories, and to prevent unnecessary delays to aircraft, their crews and passengers, cargo, and the personnel of the aircraft companies traveling on business of the companies, especially in the administration of the laws relating to immigration, customs and clearance.

Regulations.

Subject to the provisions of the first paragraph of this article and to the laws and regulations therein specified, the carriage of passengers, and the import or export of all merchandise which may be legally imported or exported, will be permitted in aircraft of the one Party into or from the territory of the other Party; and, subject to the provisions of the first paragraph of this Article and to the laws and regu-

Mutual enjoyment of privileges.

No excess duties,  
etc.

lations therein specified, such aircraft, their crews, passengers and cargoes, shall enjoy in the territory of the other Party the same privileges as are enjoyed by aircraft, their crews, passengers, and cargoes of the mentioned territory or foreign aircraft engaged in international commerce, their crews, passengers and cargoes; and they shall not, merely by reason of the nationality of the aircraft, be subjected to duties or charges other or higher than those which are or may be imposed on aircraft of the territory referred to or on aircraft of another foreign country engaged in international commerce, or on their crews, passengers or cargoes, it being understood that in this respect the claimant has the choice of national or most-favored nation treatment.

Fuel and lubricants.

Upon arrival in the territory of either of the contracting Parties, the fuel and lubricants contained in the tanks of the aircraft shall be admitted free of customs and other duties. However, no quantity can be unloaded free of duty except temporarily and under customs control.

Upon departure of aircraft of either contracting Party from territory of the other contracting Party for a point outside of such territory, fuel and lubricants intended for the refueling and lubrication of such aircraft will, on a basis of reciprocity and to the extent permitted by the laws and regulations of the contracting Party in force in the territory of departure, be furnished either free of customs and other duties or, alternatively, the duties levied on such fuel and lubricants will be refunded.

"Customs and other  
duties" defined.

The expression "customs and other duties" includes import, export, excise, and internal duties and taxes of all kinds levied upon the fuel and lubricants.

Aircraft, etc., im-  
port duties.

Aircraft of either Party, and also their equipment and spare parts on board, are in principle liable, on landing in a territory of the other party, to customs and other duties of all kinds normally chargeable on importation.

Free entry if for re-  
exportation.

If they are to be re-exported, they are entitled to temporary admission free of duty under the conditions contemplated by the Customs regulations of each of the contracting Parties, who will endeavor to reduce their formalities to the strict minimum, especially as regards aircraft belonging to regular lines.

Similar treatment shall be accorded to spare parts and material imported separately for the repair of such aircraft; parts replaced must, if the Customs so require, be re-exported under Customs supervision.

#### ARTICLE 6.

Prohibited areas.

Each one of the two contracting Parties shall have the right, for reasons of a military nature or in the interest of public safety, to prohibit flights over certain areas of its territory by all aircraft private or commercial of the other contracting Party, under the penalties provided by its legislation, it being understood that in any case at issue no distinction in this matter will be made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air navigation is thus prohibited by either Party must be notified to the other Party.

Each of the contracting Parties reserves to itself, in addition, the right, in time of peace, under exceptional circumstances, to limit or prohibit temporarily and with immediate effect, air navigation above its territory or any part thereof on condition that this restriction or prohibition shall be made applicable without any distinction of nationality between them, to the aircraft of the other Party and to the aircraft of any other foreign country.

#### ARTICLE 7.

Any aircraft which finds itself over a prohibited area shall, as soon as it is aware of the fact, give the signal of distress prescribed by the air regulations in force in the country flown over; it shall furthermore land as soon as possible at an aerodrome situated in the territory of said country and as near as possible to such prohibited area.

Aircraft over prohibited areas, duties.

This same obligation applies to aircraft flying over a prohibited area and to which the special signal intended to draw their attention shall have been given.

#### ARTICLE 8.

All aircraft shall carry clearly visible distinctive marks by which their identity may be recognized during flight (nationality and registration marks).

Identification.

All aircraft must be provided with certificates of registration and airworthiness and with all other documents prescribed for air navigation in the country in which they are registered.

Certificates of registration, etc.

#### ARTICLE 9.

All members of the crew who perform in an aircraft of either of the contracting Parties, duties for which certificates or licenses are required in the country in which such aircraft is registered, must be provided with said certificates and licenses delivered by the authorities of such country.

Passengers and crew, certificates, licenses and documents.

The other members of the crew must carry documents mentioning their duties on board, their profession, identity and nationality.

The crew and passengers, unless otherwise specified, must carry the documents required by the regulations in force governing international traffic.

#### ARTICLE 10.

The certificates of airworthiness, certificates of competency and licenses, issued or rendered valid by the country whose nationality is possessed by the aircraft, shall be considered by the other country as being in accordance with the regulations governing air traffic to the same extent as the corresponding documents delivered or rendered valid by the latter.

Certificates of airworthiness, etc.; validity.

However, each of the contracting Parties reserves the right to refuse to recognize, for the purpose of flight within the boundaries of and above its own territory, certificates of competency and licenses issued to its own nationals by the other contracting Party.

## ARTICLE 11.

Unauthorized carriage of arms, etc.

Aircraft, their crews and passengers, may not carry arms, ammunition, noxious gases, explosives, carrier pigeons, or photographic apparatus, except by permission of the country within whose air space the aircraft is navigating.

Transportation of rockets, etc.

However, the transportation of accessories necessary to the operation and navigation of the aircraft (rockets, flares, etc.) is not prohibited.

Photographic apparatus.

If the carriage of photographic apparatus is permitted it must, unless otherwise especially authorized, be so placed that utilization thereof during flight will be impossible.

Restrictions for reasons of public order.

Each of the contracting Parties has the right, for reasons of public order and safety, to limit or prohibit on its territory the transportation of articles other than those enumerated in the first paragraph of the present article, provided that no difference is made in that respect between its national aircraft employed in international traffic and the aircraft of the other contracting Party so employed.

## ARTICLE 12.

Search and inspection.

Upon the departure or landing of aircraft, each contracting Party may, within its own territory, and through its competent authorities, search the aircraft of the other Party and examine the certificates and other documents prescribed.

## ARTICLE 13.

Availability of aerodromes, services, etc.

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall, in so far as they are under its control, be open to all aircraft of the other Party, which may equally utilize the meteorological information services, the wireless services, the lighting services and day and night signalling services, in so far as those several classes of services are under the control of the Party in whose territory they respectively are situated. Any charges, landing, accommodation charges, et cetera, in so far as such charges are under the control of the pertinent contracting Party, shall be the same for the aircraft of each of the two contracting Parties.

## ARTICLE 14.

Entry or departure from prescribed aerodromes.

Upon entry or departure, aircraft going to or proceeding from the territory of either of the contracting Parties shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome (with passport control service), at which facilities exist for clearance of aircraft and enforcement of immigration regulations. No intermediary landing shall be effected between the frontier and that aerodrome. In special cases, the competent authorities may allow aircraft to depart from or land at other aerodromes, at which customs, immigration, clearance and passport control formalities shall be accomplished. The cost entailed by this special service shall, to such extent as may be required under the local regulations, then be

Special cases.

paid by the owner or person in charge of the aircraft. The prohibition of any intermediary landing applies also in these special cases.

In the event of a forced landing outside the aerodrome referred to in the first paragraph of this article, the captain of the aircraft, the crew and passengers, must conform with the national regulations applying to such cases.

Forced landing.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories from time to time designated by them as ports of entry and departure.

Exchange of lists of aerodromes.

#### ARTICLE 15.

Each of the contracting Parties reserves the right to determine that the frontiers may be crossed only between certain points. In such case notification of the decision will be given to the other Party.

Crossing of frontiers.

#### ARTICLE 16.

It is forbidden to drop, from aircraft in flight, any ballast other than fine sand or water.

Aircraft in flight, dropping of ballast.

#### ARTICLE 17.

In the course of flight, only those articles or substances, other than ballast, may be dropped or otherwise discharged, for which a special authorization shall have been given by the authorities of the country flown over.

Articles or substances permitted.

#### ARTICLE 18.

Aircraft of either of the Parties operating in the territory of the other Party may be equipped with wireless apparatus only if the necessary license to install and work such apparatus, issued by the competent authorities of the contracting Party in which the aircraft is registered, shall have been obtained. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the contracting Party flown over.

Wireless apparatus; license, regulations.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the competent authorities of the contracting Party in which the aircraft is registered.

Use restricted.

#### ARTICLE 19.

In all questions of nationality that may arise in carrying out the present arrangement, it is agreed that aircraft possess the nationality of the country in whose territory they are duly registered.

Questions of nationality.

The registration of aircraft referred to in the preceding paragraph shall be performed in compliance with the laws and special provisions of each contracting Party.

Regulation of aircraft registration.

#### ARTICLE 20.

The contracting Parties shall communicate to each other from time to time the regulations relative to air navigation in force in their respective territories.

Exchange of regulations.

## ARTICLE 21.

Application of provisions.

Either Party may, at any time after the present arrangement comes into force, apply the provisions of the arrangement to any of the territories under its jurisdiction, including territorial waters, that are not mentioned in Article 2. Such application shall be by notification in writing, given to the other Party, and shall become effective sixty days from the day when the notification shall have been given.

The Party extending this arrangement to the additional territory under its jurisdiction cited in the preceding paragraph, may subsequently terminate such application, the decision coming into effect only upon sixty days' notice.

## ARTICLE 22.

Termination of arrangement.

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party.

Acceptance to constitute arrangement.

If the Government of France agrees to the foregoing provisions, I have the honor to suggest that the present note and Your Excellency's reply in similar terms, be regarded as constituting an arrangement between the two Governments which shall come into force on August 15, 1939.

Entry into force.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

WILLIAM C. BULLITT

His Excellency  
Monsieur GEORGES BONNET,  
*Minister of Foreign Affairs,*  
*Paris.*

*The French Minister of Foreign Affairs (Bonnet) to the American Ambassador (Bullitt)*

MINISTÈRE  
DES  
AFFAIRES ÉTRANGÈRES  
A/R

*Sous-Direction  
des Affaires Administratives  
& des Unions Internationales*

RÉPUBLIQUE FRANÇAISE  
*Paris, le 15 juillet 1939*

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur d'accuser réception à Votre Excellence de Sa note, en date de ce jour et de Lui faire savoir que le Gouvernement de la République Française accepte que les dispositions suivantes, constituent un arrangement sur la base de la réciprocité avec le Gouvernement de la République des Etats-Unis d'Amérique.

-ARTICLE 1er-

En attendant la conclusion d'une convention de navigation aérienne entre les Etats-Unis d'Amérique et la France, la circulation des



aéronefs d'une des Parties Contractantes au-dessus du territoire de l'autre Partie Contractante sera régie par les dispositions suivantes:

—ARTICLE 2—

Le présent arrangement s'appliquera au territoire métropolitain des Etats-Unis d'Amérique et de la France ainsi qu'aux territoires, possessions ou colonies ci-après, y compris les eaux territoriales sur lesquelles les deux pays exercent respectivement leur souveraineté:

- a) Porto-Rico;  
Les Iles Vierges des Etats-Unis; et  
Les Iles Samoa américaines.
- b) Saint-Pierre et Miquelon;  
La Martinique;  
La Guadeloupe et ses dépendances; et  
La Guyane française.

—ARTICLE 3—

Le terme "aéronefs" employé dans le présent arrangement sera considéré comme désignant les aéronefs privés et aussi les aéronefs d'Etat, autres que les aéronefs militaires ou ceux des services des douanes ou de la police, régulièrement immatriculés dans le territoire de l'une ou l'autre des Parties Contractantes.

Le présent arrangement ne s'applique ni aux aéronefs militaires, ni à ceux des services de la douane ou de la police de chacune des deux Parties Contractantes, qui ne pourront pas, sans autorisation spéciale, survoler le territoire de l'autre Partie Contractante ou y atterrir.

—ARTICLE 4—

Chacune des Parties Contractantes accordera, en temps de paix, aux aéronefs de l'autre Partie Contractante régulièrement immatriculés dans le territoire de cette Partie, la liberté de survoler son territoire sous réserve de l'observation des dispositions du présent arrangement.

Toutefois, il est entendu que l'établissement et l'exploitation, par une entreprise de l'une des Parties Contractantes, d'une ligne aérienne ou d'un service de transport aérien régulier à destination, au-dessus ou en provenance du territoire de l'autre Partie Contractante, avec ou sans escale, sera soumis à l'agrément de cette autre Partie. Toute entreprise de transport aérien d'une des deux Parties désirant obtenir l'autorisation d'exploiter une ligne aérienne ou un service de transport aérien régulier de pareille nature, devra présenter sa demande par la voie diplomatique.

Sous réserve des dispositions du paragraphe 2 ci-dessus concernant les lignes aériennes ou les services de transport aérien réguliers, pour lesquels une autorisation spéciale est nécessaire, les aéronefs de l'une ou l'autre Partie Contractante pourront se rendre dans un ou plusieurs points du territoire de l'autre Partie, soit pour y mettre à terre une partie ou la totalité de leurs passagers ou de leur chargement en provenance de l'étranger, soit pour prendre une partie ou la totalité de leurs passagers ou de leur chargement pour une destination étrangère. Chacune des Parties au présent arrangement

aura la faculté de réserver à ses propres aéronefs la totalité du trafic aérien à l'intérieur de son propre territoire.

L'expression "trafic aérien" employée au paragraphe précédent sera considérée, en ce qui concerne les Parties au présent arrangement, comme s'appliquant:

a) à la circulation des aéronefs dans le territoire de l'une ou l'autre Partie, pour assurer ou faciliter le fonctionnement d'une entreprise commerciale;

b) au transport commercial de voyageurs ou de marchandises entre deux points quelconques du territoire de l'autre Partie.

- ARTICLE 5 -

Les aéronefs de chacune des Parties Contractantes leurs équipages et leurs passagers, ainsi que les marchandises transportées à leur bord, seront, pendant qu'ils se trouveront dans le territoire de l'autre Partie, soumis aux lois en vigueur dans ce territoire, y compris à tous règlements relatifs à la navigation aérienne applicables aux aéronefs étrangers, au transport des passagers et des marchandises et à la sécurité et à l'ordre public, ainsi que tous règlements concernant l'immigration, la quarantaine, les douanes et le congé.

Les Parties Contractantes conviennent d'adopter par règlements spéciaux ou de toute autre manière, toutes mesures destinées à faciliter et à activer les communications aériennes entre leurs territoires respectifs et à éviter des retards inutiles aux aéronefs, à leurs équipages, à leurs passagers, à leur chargement et au personnel des compagnies en voyage de service, spécialement en ce qui concerne l'application des lois relatives à l'immigration, aux douanes et au congé.

Sous réserve de l'observation des dispositions du 1er paragraphe du présent article et des lois et règlements qui y sont visés, le transport des passagers et l'importation ou l'exportation de toute marchandise dont l'importation ou l'exportation sont licites, seront permis aux aéronefs d'une des Parties à destination ou en provenance du territoire de l'autre Partie; et sous réserve de l'observation des dispositions du premier paragraphe du présent article et des lois et règlements qui y sont visés, lesdits aéronefs, leurs équipages, leurs passagers et chargements bénéficieront dans le territoire de l'autre Partie, des mêmes avantages que les aéronefs de ce territoire, leurs équipages, passagers et chargements ou que les aéronefs étrangers employés au commerce international, leurs équipages, passagers et chargements; et ils ne seront pas, du simple fait de la nationalité des appareils soumis à des droits, taxes ou charges autres ou plus élevés que ceux qui sont ou pourront être appliqués aux aéronefs du territoire en question ou aux aéronefs de tout autre pays étranger employés au commerce international, ou à leurs équipages, passagers ou chargements, étant entendu qu'à cet égard les intéressés auront le choix entre le traitement national et celui de la nation la plus favorisée.

A l'arrivée dans le territoire de chacune des Parties Contractantes, les carburants et les lubrifiants contenus dans les réservoirs des aéronefs seront admis en franchise de droits de douane et d'autres

droits. Toutefois, aucune quantité ne pourra être débarquée en franchise sauf à titre temporaire et sous le contrôle de la douane.

Au départ des aéronefs de l'une ou de l'autre des Parties Contractantes du territoire de l'autre Partie Contractante à destination d'un point situé hors dudit territoire, ou bien les carburants et les lubrifiants destinés au ravitaillement de ces aéronefs seront, sur la base de la réciprocité et dans la mesure autorisée par les lois et les règlements de la Partie Contractante en vigueur dans le territoire du départ, fournis en franchise de droits de douane et d'autres droits, ou bien les droits qui auraient été perçus sur ces carburants et lubrifiants seront remboursés.

L'expression "droits de douane et autres droits" comprend les droits d'importation et d'exportation, les taxes indirectes et les droits et taxes intérieurs de toute nature perçus sur les carburants et lubrifiants.

Les aéronefs de chacune des deux Parties, avec leur équipement et leurs pièces de rechange se trouvant à bord, acquittent, en principe, à leur atterrissage dans le territoire de l'autre Partie, les droits de douane et autres droits normalement exigibles à l'importation.

S'ils doivent être réexportés, ils bénéficient de la franchise temporaire des droits et taxes dans les conditions prévues par les règlements de douane propres à chacune des Parties Contractantes, lesquelles s'efforceront de réduire les formalités au strict minimum, notamment en ce qui concerne les aéronefs des lignes régulières.

Le même régime est applicable aux pièces et matériel de rechange importés séparément pour la réparation de ces aéronefs. Les pièces remplacées doivent, si la douane l'exige être réexportées sous son contrôle.

#### — ARTICLE 6 —

Chacune des deux Hautes Parties Contractantes aura le droit, pour des raisons d'ordre militaire ou dans l'intérêt de la sécurité publique, d'interdire à tous aéronefs privés ou commerciaux de l'autre Partie Contractante de survoler certaines zones de son territoire, sous peine des sanctions édictées par sa législation, étant entendu que, dans aucun cas, il ne sera fait de discrimination entre ses propres aéronefs se livrant au commerce international et les aéronefs de l'autre Partie destinés aux mêmes fins. Les zones au-dessus desquelles la navigation aérienne sera interdite dans ces conditions, par l'une ou l'autre des Parties, devront faire l'objet d'une notification à l'autre Partie.

Chacune des Parties Contractantes se réserve, en outre, le droit, en temps de paix, dans des circonstances exceptionnelles, de limiter ou d'interdire, à titre temporaire et avec effet immédiat, la navigation aérienne au-dessus de son territoire ou d'une partie quelconque de celui-ci, sous réserve que cette restriction ou cette interdiction soit applicable, sans aucune distinction de nationalité, aux aéronefs de l'autre Partie et aux aéronefs de tous autres pays étrangers.

#### — ARTICLE 7 —

Tout aéronef se trouvant au-dessus d'une zone interdite fera, dès qu'il se sera rendu compte de sa situation le signal de détresse prescrit par les règlements aériens en vigueur dans le pays survolé; en outre, il

atterrira le plus tôt possible sur un aérodrome situé dans le territoire de ce pays et le plus près possible de la zone interdite.

La même obligation s'applique à l'aéronef survolant une zone interdite qui aura reçu le signal spécial destiné à attirer son attention.

-ARTICLE 8-

Tout aéronef portera des marques distinctives nettement visibles permettant de l'identifier en cours de vol (marques de nationalité et d'immatriculation).

Tout aéronef devra être muni de certificats d'immatriculation et de navigation et de tous autres documents prescrits pour la navigation aérienne dans le pays dans lequel il est immatriculé.

-ARTICLE 9-

Tous les membres de l'équipage remplissant dans un aéronef de l'une ou l'autre des Parties Contractantes des fonctions pour lesquelles des certificats ou des permis sont requis dans le pays dans lequel l'aéronef en question est immatriculé devront être pourvus desdits certificats et permis délivrés par les autorités de ce pays.

Les autres membres de l'équipage devront être porteurs de documents mentionnant leurs fonctions à bord, leur profession, leur identité et leur nationalité.

S'il n'en est pas autrement décidé, l'équipage et les passagers devront être porteurs des documents requis par les règlements en vigueur régissant le trafic international.

-ARTICLE 10-

Les certificats de navigabilité, les certificats d'aptitude et les permis délivrés ou validés par le pays dont l'aéronef possède la nationalité seront considérés par l'autre pays comme étant conformes aux règlements régissant le trafic aérien dans la même mesure que les documents correspondants délivrés ou validés par cet autre pays.

Toutefois, chacune des Parties Contractantes se réserve le droit de refuser de reconnaître, en vue de la navigation aérienne dans les limites et au-dessus de son propre territoire, les certificats d'aptitude et les permis délivrés à ses propres ressortissants par l'autre Partie Contractante.

-ARTICLE 11-

Les aéronefs, leurs équipages et leurs passagers ne pourront transporter ni armes, ni munitions, ni gaz nocifs, ni explosifs, ni pigeons-voyageurs, ni appareils photographiques, sauf autorisation du pays dans l'atmosphère duquel ils naviguent.

Toutefois, le transport d'accessoires nécessaires au fonctionnement et à la navigation des aéronefs (fusées, torches de signalisation, etc. . .) n'est pas interdit.

Au cas où le transport d'un appareil photographique serait autorisé, celui-ci devra, sauf autorisation contraire spéciale, être placé de manière qu'il soit impossible de l'utiliser en cours de vol.

Chacune des Parties Contractantes a le droit, pour des raisons d'ordre et de sécurité publics, de limiter ou d'interdire sur son territoire le transport d'articles autres que ceux qui sont énumérés au

premier paragraphe du présent article sous réserve qu'aucune distinction ne soit faite, à cet égard, entre ses propres aéronefs employés pour le trafic international et les aéronefs de l'autre Partie Contractante utilisés aux mêmes fins.

—ARTICLE 12—

Au départ ou à l'atterrissage des aéronefs, chaque Partie Contractante pourra, sur son propre territoire et par l'intermédiaire de ses autorités compétentes, visiter les aéronefs de l'autre Partie et examiner les certificats et les autres documents prescrits.

—ARTICLE 13—

Les aérodromes ouverts au trafic public sur le territoire de l'une des Parties au présent arrangement seront, dans la mesure où ils sont soumis à son autorité, ouverts à tous aéronefs de l'autre Partie qui pourront également utiliser les services d'informations météorologiques, les services de T. S. F., les services d'éclairage et les services de signalisation de jour et de nuit, dans la mesure où ces différents services seront soumis à l'autorité de la Partie dans le territoire de laquelle ils seront respectivement situés. Toutes les taxes d'atterrissage, taxes de garage, etc. . . , dans la mesure où ces taxes dépendront de l'autorité de la Partie Contractante intéressée, seront les mêmes pour les aéronefs des deux Parties Contractantes.

—ARTICLE 14—

A l'arrivée ou au départ, les aéronefs à destination ou en provenance du territoire de chacune des Parties Contractantes atterriront ou prendront leur vol sur un aérodrome ouvert au trafic public et classé comme "aérodrome douanier" (avec service de contrôle des passeports), dans lequel il existera des services pour le congé des aéronefs et l'application des règlements concernant l'immigration. Aucun atterrissage intermédiaire ne sera effectué entre la frontière et l'aérodrome en question. Dans des cas spéciaux, les autorités compétentes pourront autoriser les aéronefs à prendre leur départ ou à atterrir sur d'autres aérodromes sur lesquels les formalités de douane, d'immigration, de congé et de contrôle des passeports seront accomplies. Les frais entraînés par ce service spécial seront alors, dans la mesure requise en vertu des règlements locaux, mis à la charge du propriétaire ou de la personne responsable de l'aéronef. L'interdiction de tout atterrissage intermédiaire s'applique également à ces cas spéciaux.

En cas d'atterrissage forcé en dehors des aérodromes mentionnés au premier paragraphe du présent article, le commandant des aéronefs, l'équipage et les passagers devront se conformer aux règlements nationaux applicables dans ces cas particuliers.

Les Parties au présent arrangement se communiqueront périodiquement les listes des aérodromes de leurs territoires désignés comme ports d'arrivée et de départ.

—ARTICLE 15—

Chacune des Parties Contractantes se réserve le droit de décider que les frontières ne pourront être franchies qu'entre certains points. Dans ce cas, cette décision sera notifiée à l'autre Partie.

## -ARTICLE 16-

Il est interdit de jeter, d'un aéronef en cours de vol, du lest autre que du sable fin ou de l'eau.

## -ARTICLE 17-

Seuls, pourront être jetés ou déchargés d'une autre manière, en cours de vol, les articles ou substances autres que le lest, pour lesquels une autorisation spéciale aura été donnée par les autorités du pays survolé.

## -ARTICLE 18-

Les aéronefs de chacune des Parties en service dans le territoire de l'autre Partie ne pourront être équipés avec des appareils de T. S. F. que s'ils ont obtenu le permis nécessaire d'installer et d'utiliser ces appareils, permis délivré par les autorités compétentes de la Partie Contractante dans laquelle l'aéronef est immatriculé. L'emploi de ces appareils sera conforme aux règlements édictés en la matière par les autorités de la partie contractante survolée.

Ces appareils ne seront utilisés que par les membres de l'équipage pourvus d'un permis spécial délivré par les autorités compétentes de la Partie Contractante dans le territoire de laquelle l'aéronef est immatriculé.

## -ARTICLE 19-

Pour toutes les questions de nationalité qui pourraient surgir dans l'exécution du présent arrangement, il est entendu que les aéronefs possèdent la nationalité du pays dans le territoire duquel ils sont régulièrement immatriculés.

L'immatriculation des aéronefs visée au paragraphe précédent sera effectuée conformément aux lois et aux dispositions spéciales de chacune des Parties Contractantes

## -ARTICLE 20-

Les Parties Contractantes se communiqueront périodiquement les règlements relatifs à la navigation aérienne en vigueur dans leurs territoires respectifs.

## -ARTICLE 21-

Chacune des Parties pourra, à tout moment après l'entrée en vigueur du présent arrangement, en appliquer les dispositions à l'un quelconque des territoires soumis à sa souveraineté, y compris les eaux territoriales qui ne sont pas mentionnées à l'Article 2. Cette application sera effectuée par notification écrite faite à l'autre Partie et deviendra effective soixante jours après la date à laquelle la notification aura été faite.

La Partie étendant le présent arrangement aux autres territoires soumis à sa juridiction qui sont mentionnés au paragraphe précédent pourra, par la suite mettre un terme à son application, cette décision entrant en vigueur seulement soixante jours après que la notification en aura été faite.

## -ARTICLE 22-

Le présent arrangement pourra être dénoncé par chacune des Parties avec préavis de soixante jours donné à l'autre Partie.

La présente note et la communication de Votre Excellence, en date de ce jour, rédigées en des termes analogues seront considérées comme consacrant entre les deux Gouvernements un arrangement réalisé en matière de navigation aérienne, qui entrera en vigueur le 15 août 1939./.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

Pr le Ministre des Affaires Étrangères  
et par délégation

*L'Ambassadeur de France*  
*Secrétaire Général*

ALEXIS LÉGER<sup>1</sup>

Son Excellence

Monsieur WILLIAM C. BULLITT

*Ambassadeur des Etats-Unis d'Amerique*

*-Paris-*

[Translation]

MINISTRY OF FOREIGN AFFAIRS

A/R

*Division of Administrative*  
*Affairs and International Unions*

FRENCH REPUBLIC,

*Paris, July 15, 1939.*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's note dated today and to inform you that the Government of the French Republic agrees that the following provisions shall constitute a reciprocal arrangement with the Government of the Republic of the United States of America.

Agreement by  
France.

[Here follows the French text of the arrangement. For English text, see pages 2408-2414.]

The present note and Your Excellency's communication of today's date, drafted in similar terms, shall be considered as confirming between the two Governments an arrangement effected on the subject of air navigation, which shall enter into effect on August 15, 1939.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

For the Minister of Foreign Affairs  
and by delegation

*the Ambassador of France*  
*Secretary General*

ALEXIS LÉGER

His Excellency

WILLIAM C. BULLITT,

*Ambassador of the United States of America,*

*Paris.*

<sup>1</sup> On page 2 of the original French text there are two seals in the left margin, none at the end.

July 15, 1939

[E. A. S. No. 153]

*Agreement between the United States of America and France governing air transport services. Effected by exchange of notes signed July 15, 1939; effective August 15, 1939.*

*The American Ambassador (Bullitt) to the French Minister of Foreign Affairs (Bonnet)*

EMBASSY OF THE UNITED STATES OF AMERICA

*Paris, July 15, 1939.*

No. 1930

EXCELLENCY:

Agreement with  
France for operation of  
air transport services.

I have the honor to inform you that the Government of the United States of America desires to conclude with the Government of France a reciprocal arrangement in the following terms, governing the operation of air transport services of each country in territory of the other country.

# AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE FOR THE OPERATION OF AIR TRANSPORT SERVICES.

## ARTICLE 1.

Liberty of passage.

The Government of the United States of America agrees that aircraft of French registration belonging to French air carrier enterprises, holding proper authorization from the French Government, shall be permitted to operate into United States territory in the conduct of transatlantic air transport services carrying passengers, goods and mail, subject to the conditions hereinafter specified.

The Government of France agrees that aircraft of United States registration, belonging to United States air carrier enterprises, holding proper authorization from the Government of the United States, shall be permitted to operate into French territory in the conduct of transatlantic air transport services carrying passengers, goods and mail, subject to the conditions hereinafter specified.

Frequencies accord-  
ed certain trans-  
atlantic air carrier en-  
terprises.

The Government of the United States will accord to French air carrier enterprises a number of frequencies equal to that requested of the Government of France by the Government of the United States and accorded by the Government of France to the Government of the United States for use by the latter's air carrier enterprises engaged in transatlantic services with final points of destination in France; provided, that the number of such frequencies shall not be less than two round trips per week. The Government of France will also accord to the Government of the United States additional frequencies for use by its authorized air carrier enterprises engaged in transatlantic air services, with the right to fly into, through and away from France en



route to and from a final point of destination in other countries, and on such additional frequencies to embark and disembark passengers, goods and mail in France.

The air carrier enterprises of each Party will be required to qualify before the competent aeronautical authorities of the other Party under its applicable laws before being permitted to engage in the operations contemplated in this agreement.

Qualification provisions.

The terms of the permits, the airports to be used for the respective services, the routes or airways to be flown within the respective territories of the Parties between the designated airports, the frequency of schedules and other appropriate details of the conduct of the air transport services contemplated by this agreement shall be determined by the competent authorities of the Parties. Any permit issued by the competent aeronautical authorities for the air transport services contemplated hereunder shall be valid only so long as the holder thereof shall be authorized by its own government to engage in the service envisaged by such permit. The holding of such permit shall be subject to compliance by the holder with all applicable laws of the issuing government and with all valid rules, regulations and orders issued thereunder. Such permit may not be revoked for any other cause except on two years' notice, given by the issuing government to the other government.

Permits, routes, etc.

Technical and commercial agreements may be entered into between the air transport enterprises authorized by the Governments of France and the United States to operate the services contemplated herein. Such agreements shall be subject to the approval of the competent authorities of the two Governments.

## ARTICLE 2.

The parties hereto agree not to impose any restrictions or limitations as to airports, routes, or connections with other transportation services, and facilities in general to be utilized within their respective territories which might be competitively or otherwise disadvantageous to the air carrier enterprises of the other Party.

No restrictions disadvantageous to other Party.

## ARTICLE 3.

The aircraft operated by the United States air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of the United States for aircraft employed in air transportation of the character contemplated by this agreement.

Airworthiness requirements.

The aircraft operated by French air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of France for aircraft employed in air transportation of the character contemplated by this agreement.

The competent aeronautical authorities of the Parties hereto may communicate with a view to bringing about uniformity of safety

Uniformity of safety standards.

standards for the operations contemplated by this agreement and compliance therewith, and whenever the need therefor appears, the Parties may enter into an agreement prescribing such uniform safety standards.

## ARTICLE 4.

Mail transportation.

The matter of the transportation of mail shall be subject to agreement between the competent authorities of both Parties.

## ARTICLE 5.

Authority for negotiation.  
*Amé*, p. 2409.

The present agreement has been negotiated pursuant to the provisions of Article 4 of the air navigation arrangement between the United States and France, signed at Paris on July 15, 1939, and the operations contemplated hereunder shall be conducted subject to the applicable terms thereof.

## ARTICLE 6.

Termination.

This agreement shall be subject to termination on two years' notice given by either Government to the other Government.

Entry into force.

If the Government of France agrees to the foregoing provisions, I have the honor to suggest that the present note and Your Excellency's reply in similar terms, be regarded as constituting an arrangement between the two Governments which shall come into force on August 15, 1939.

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

WILLIAM C. BULLITT

His Excellency  
Monsieur GEORGES BONNET,  
*Minister of Foreign Affairs,*  
*Paris.*

*The French Minister of Foreign Affairs (Bonnet) to the American Ambassador (Bullitt)*

MINISTÈRE  
DES  
AFFAIRES ÉTRANGÈRES  
A/R

*Sous-Direction  
des Affaires Administratives  
& des Unions Internationales*

RÉPUBLIQUE FRANÇAISE  
*Paris, le 15 juillet 1939*

MONSIEUR L'AMBASSADEUR,

J'ai l'honneur d'accuser réception à Votre Excellence de Sa note en date de ce jour et de Lui faire savoir que le Gouvernement de la République Française accepte que les dispositions suivantes con-

stituent un arrangement sur la base de la réciprocité avec le Gouvernement de la République des Etats-Unis d'Amérique.

—ARTICLE 1er—

Le Gouvernement français accepte que les aéronefs immatriculés aux Etats-Unis appartenant à des entreprises américaines de transports aériens, bénéficiaires d'une licence régulière du Gouvernement américain soient autorisés à pénétrer en France, à l'occasion du fonctionnement de services de transports aériens transatlantiques comportant le transport de passagers, de marchandises et de courrier postal, aux conditions ci-après.

Le Gouvernement des Etats-Unis d'Amérique accepte que les aéronefs immatriculés en France et appartenant à des entreprises françaises de transports aériens agréées par le Gouvernement français soient autorisés à pénétrer aux Etats-Unis d'Amérique, à l'occasion du fonctionnement de services aériens transatlantiques comportant le transport de passagers, de marchandises et de courrier postal, aux conditions ci-après.

Le Gouvernement des Etats-Unis d'Amérique accordera aux entreprises françaises de transports aériens le même nombre de voyages que celui qui sera demandé par le Gouvernement fédéral au Gouvernement français et accordé par ce dernier à des compagnies de transports aériens des Etats-Unis effectuant des services aériens transatlantiques ayant leur terminus en France, étant entendu que le nombre de ces voyages ne sera pas inférieur à deux aller et retour par semaine. Le Gouvernement français accordera également au Gouvernement des Etats-Unis d'Amérique des voyages supplémentaires pour ses entreprises régulières de trafic aérien transatlantique, avec le droit de survoler la France à l'entrée, à la sortie ou en transit au cours de voyages à destination ou en provenance d'un point situé dans d'autres pays, et avec le droit, lors de ces voyages supplémentaires, d'embarquer et de débarquer en France des passagers, des marchandises et du courrier.

Les entreprises de transports aériens de chacune des Parties devront être autorisées par les autorités compétentes de l'Aéronautique de l'autre pays en conformité des lois en vigueur dans ce pays avant de pouvoir entreprendre les opérations aériennes objet du présent accord.

Les conditions des autorisations, les aérodromes qui devront être utilisés par les services respectifs, les routes ou itinéraires aériens qui devront être suivis dans les territoires des Parties Contractantes, entre les aérodromes stipulés, les horaires et autres détails de l'organisation des services de transports aériens visés par le présent accord, seront fixés par les autorités compétentes des deux Parties.

Toute autorisation délivrée par les autorités aéronautiques compétentes pour les services de transports aériens dont il s'agit ne sera valable qu'aussi longtemps que son titulaire sera autorisé par son propre Gouvernement à effectuer le service visé par cette autorisation.

Le bénéfice de cette autorisation comportera l'acquiescement du titulaire à toutes les lois en vigueur dans le pays qui a délivré l'auto-

risation, ainsi qu'aux règlements administratifs et techniques. Sauf au cas d'inobservation de ces lois ou règlements l'autorisation ne pourra être annulée qu'après préavis de deux ans donné au Gouvernement co-contractant par le Gouvernement qui a délivré l'autorisation.

Des accords commerciaux ou techniques pourront être conclus entre les entreprises de transport aérien autorisées par les Gouvernements des Etats-Unis et de France à effectuer les services dont il s'agit. Ces accords seront soumis à l'approbation des autorités compétentes des deux Gouvernements

-ARTICLE 2-

Les Parties Contractantes acceptent de n'imposer aucune restriction ou limitation en ce qui concerne les aéroports, les itinéraires, les correspondances avec d'autres moyens de transports et, d'une manière générale aux dispositions prises dans leurs territoires respectifs en vue de faciliter le trafic aérien, lorsque ces restrictions ou limitations seraient susceptibles de favoriser la concurrence ou d'entraîner d'une autre manière des conséquences désavantageuses pour les entreprises aériennes de l'autre Partie.

-ARTICLE 3-

Les aéronefs utilisés par les entreprises de transports aériens des Etats-Unis devront être conformes à tout moment aux prescriptions de navigabilité aérienne fixées par les autorités aéronautiques compétentes des Etats-Unis d'Amérique pour les aéronefs utilisés dans les transports aériens de la catégorie visée par le présent accord.

Les aéronefs utilisés par les entreprises de transports aériens françaises devront être conformes à tout moment aux prescriptions de navigabilité aérienne fixées par les autorités aéronautiques compétentes françaises pour les aéronefs utilisés dans les transports aériens de la catégorie visée par le présent accord.

Les autorités aéronautiques compétentes des Parties Contractantes pourront entrer en rapports dans le but de définir et de mettre en application des "normes de sécurité" pour le genre de trafic envisagé par le présent accord et si le besoin s'en fait sentir par la suite, les Parties Contractantes pourront conclure un accord complémentaire fixant ces "normes de sécurité".

-ARTICLE 4-

La question des transports postaux fera l'objet d'un accord spécial entre les autorités compétentes des deux pays.

-ARTICLE 5-

Le présent accord a été conclu en conformité des stipulations de l'Article 4 de l'Arrangement de navigation aérienne du 15 juillet 1939 et le trafic aérien envisagé ci-dessus devra être effectué suivant les termes de cet arrangement.

-ARTICLE 6-

Le présent arrangement pourra être dénoncé avec un préavis de deux ans donné par l'un des deux Gouvernements à l'autre Gouvernement.

La présente note et la communication de Votre Excellence, en date de ce jour, rédigées en des termes analogues, seront considérées comme consacrant entre les deux Gouvernements un arrangement réalisé pour le fonctionnement des services de transports aériens transatlantiques, qui entrera en vigueur le 15 août 1939 ./.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma très haute considération.

P<sup>r</sup> le Ministre des Affaires Étrangères  
et par délégation

*L'Ambassadeur de France*  
*Secrétaire Général*

ALEXIS LÉGER <sup>1</sup>

Son Excellence

Monsieur WILLIAM C. BULLITT

*Ambassadeur des Etats-Unis d'Amérique*

*-Paris-*

[Translation]

MINISTRY OF FOREIGN AFFAIRS

A/R

*Division of Administrative*  
*Affairs and International Unions*

FRENCH REPUBLIC

*Paris, July 15, 1939.*

MR. AMBASSADOR:

I have the honor to acknowledge receipt of Your Excellency's note dated today and to inform you that the Government of the French Republic agrees that the following provisions shall constitute a reciprocal arrangement with the Government of the Republic of the United States of America.

[Here follows the French text of the agreement. For English text, see pages 2422-2424.]

The present note and Your Excellency's communication, of today's date, drafted in similar terms, shall be considered as confirming between the two Governments an arrangement effected for the operation of trans-Atlantic air transportation services which shall enter into effect on August 15, 1939.

Please accept, Mr. Ambassador, the assurances of my highest consideration.

For the Minister of Foreign Affairs  
and by delegation

*the Ambassador of France*  
*Secretary General*

ALEXIS LÉGER

His Excellency

WILLIAM C. BULLITT,

*Ambassador of the United States of America,*

*Paris.*

<sup>1</sup> On page 2 of the original French text there are two seals in the left margin, none at the end.

June 30, 1939  
[E. A. S. No. 154]

*Agreement between the United States of America and Sweden concerning the compensation for Commissioners designated under the treaty for the advancement of peace of October 13, 1914. Effected by exchange of notes signed June 30, 1939.*

*The American Minister (Sterling) to the Swedish Minister for Foreign Affairs (Sandler)*

No. 49                      LEGATION OF THE UNITED STATES OF AMERICA  
*Stockholm, June 30, 1939.*

EXCELLENCY:

Agreement with  
Sweden concerning  
compensation for  
certain Commissioners.  
38 Stat. 1873.

I have the honor to refer to our recent conversations concerning the provisions of the last paragraph of Article 2 of the Treaty for the Advancement of Peace, between the United States of America and His Majesty the King of Sweden, signed at Washington, October 13, 1914 and to inform Your Excellency that my understanding of the agreement reached on behalf of our respective Governments with reference to the compensation to be paid to the Commissioners holding office under the terms of that Treaty is as follows:

"A. The Commissioners shall be compensated only for the time spent in the performance of the duties with which they are charged as a body under the provisions of the Treaty, it being understood that compensation for each Commissioner shall be paid on and from the day on which he leaves his usual place of residence to assume his official duties.

"B. Each Commissioner shall be paid:

- (1) A salary at the rate of \$10,000 per annum,
- (2) Actual travel expenses necessary to fulfillment of the duties of the Commission, including travel to and from the place or places of meeting, and
- (3) A per diem of not exceeding \$10.00 in lieu of actual subsistence.

"C. One half of the foregoing expenses shall be borne by the Government of the United States of America and one half by Sweden."

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

F. A. STERLING

His Excellency

RICKARD SANDLER,

*Royal Minister for Foreign Affairs,  
Stockholm.*

*The Swedish Minister for Foreign Affairs (Sandler) to the American Minister (Sterling)*

MINISTÈRE  
DES  
AFFAIRES ÉTRANGÈRES.

STOCKHOLM, le 30 juin 1939.

MONSIEUR LE MINISTRE,

Par lettre, en date de ce jour, vous avez bien voulu proposer, pour la rémunération des commissaires désignés en vertu des dispositions du Traité pour le Règlement des Litiges conclu à Washington le 13 octobre 1914, la réglementation suivante:

A. Les commissaires ne seront rémunérés que pour le temps employé à l'exercice des fonctions incombant à la Commission aux termes des dispositions du Traité, étant entendu que chaque commissaire sera payé à partir du jour où il quitte son lieu de résidence ordinaire pour remplir ses fonctions officielles.

B. A chaque commissaire il sera versé:

- (1) un traitement fixé au taux de 10.000 dollars par an;
- (2) les frais de déplacement réels, nécessités pour l'accomplissement de la mission de la Commission, y compris les frais de voyages d'aller et de retour au lieu ou aux lieux de réunion; et
- (3) une indemnité journalière non supérieure à 10 dollars au lieu du paiement des frais effectifs d'entretien.

C. Le Gouvernement suédois et le Gouvernement des Etats-Unis supporteront par moitié les frais susvisés.

En réponse à cette note, j'ai l'honneur de vous faire connaître que le Gouvernement suédois accepte la réglementation proposée dans votre lettre susvisée.

Veuillez agréer, Monsieur le Ministre, les assurances de ma haute considération.

Pour le Ministre,  
le Directeur des Affaires Politiques:  
STAFFAN SÖDERBLOM

Monsieur FREDERICK A. STERLING,  
*Envoyé Extraordinaire et Ministre Plénipotentiaire  
des Etats-Unis d'Amérique,  
etc. etc. etc.*

[Translation]

MINISTRY  
OF  
FOREIGN AFFAIRS

STOCKHOLM, June 30, 1939.

MR. MINISTER,

By a letter under today's date you have been good enough to propose with respect to the remuneration for the commissioners designated

under the provisions of the Treaty for the Settlement of Disputes, concluded at Washington on October 13, 1914, the following arrangement:

A. The commissioners shall only be compensated for the time spent in the performance of the duties with which the Commission is charged under the terms of the provisions of the treaty, it being understood that each commissioner will be paid from the day on which he leaves his usual place of residence to assume his official duties.

B. Each commissioner shall be paid:

- (1) A salary set at the rate of \$10,000 a year;
- (2) The actual expenses of travel necessitated by the fulfillment of the duties of the Commission, including the expenses of travel to and from the place or places of meeting; and
- (3) A daily allowance not exceeding \$10.00 in lieu of actual subsistence.

C. The Swedish Government and the Government of the United States shall each bear half of the expenses mentioned above.

In reply to this note I have the honor to inform you that the Swedish Government accepts the arrangement proposed in your letter mentioned above.

Please accept, Mr. Minister, the assurances of my high consideration.

For the Minister,  
The Director of Political Affairs:  
STAFFAN SÖDERBLOM

Mr. FREDERICK A. STERLING,  
*Envoy Extraordinary and Minister Plenipotentiary*  
*of the United States of America,*  
*etc. etc. etc.*



*Agreement between the United States of America and Guatemala respecting a military mission. Signed March 28, 1939; effective March 28, 1939.*

March 28, 1939  
[E. A. S. No. 156]

## AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF GUATEMALA

In conformity with a request of the Government of the Republic of Guatemala, the President of the United States of America, by virtue of the authority conferred by the Act of Congress, approved May 19, 1926, entitled "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy and Marine Corps to assist the Governments of the Latin American Republics in military and naval matters", as amended by an Act of May 14, 1935, to include the Commonwealth of the Philippine Islands, has authorized the detail of an officer to the Republic of Guatemala upon the following agreed conditions:

Agreement with Guatemala respecting a military mission.

44 Stat. 565.  
10 U. S. C. § 540.

49 Stat. 218.  
10 U. S. C., Supp. IV, § 540.

### TITLE I

#### *Purpose and Duration*

Art. 1. The duties of the officer so detailed shall be to serve as Director of the Polytechnic School of the Republic of Guatemala.

Purpose and duration.

Art. 2. This agreement shall continue in force for two years from the date of the signature by the accredited representatives of the Governments of the United States of America and the Republic of Guatemala.

Art. 3. The agreement may be terminated if necessary in the interest of either Government upon notification duly delivered through diplomatic channels three months in advance.

Art. 4. The Ministry of War of Guatemala will grant to the officer detailed under this contract the assimilated rank of General de Brigada for the duration of this contract.

Art. 5. The officer detailed under this contract shall be solely responsible to the Minister of War.

Art. 6. The officer detailed under this contract shall receive from the Guatemalan Government pay and allowances equal, net, to 50 percent of and additional to the pay and allowances which he receives from the Government of the United States, but such additional pay and allowances shall not exceed the sum of Three Hundred Dollars, current money of the United States of America, for any one month. The pay and allowances to be received from the Guatemalan Government shall be paid monthly in United States currency on the last day of each month in the full amount accrued to and including that day. Should the officer while so serving be promoted in the United States

Army, he shall receive from the Government of the Republic of Guatemala proportionate pay and allowances for his new rank as established according to United States Army Regulations, payable as from the date of his promotion. The pay and allowances due the officer from the Guatemalan Government shall be computed from the day that he arrives at the capital of Guatemala and shall terminate on the day on which the contract is completed or is otherwise terminated as provided herein.

Art. 7. It is further stipulated that the compensation received by the officer detailed under this contract shall not be subject to any Guatemalan tax now in force or which may hereafter be imposed, but should there, however, be at present or during the life of this agreement, any taxes which may affect the said compensation, such taxes shall be borne by the Guatemalan Ministry of War in order to comply with the provisions stipulated above that the pay and allowances agreed upon shall be net.

Art. 8. The expenses of transportation by land and sea of the officer detailed under this contract, his family, household effects and baggage, including automobile, from his station in the United States of America to his place of duty in Guatemala, shall be paid in advance by the Guatemalan Government, these expenses to include the cost of packing and crating; and, except as provided in article 9 hereof, the Guatemalan Government shall also pay in advance the expense of transportation, as above defined, covering the return journey from the officer's place of duty in Guatemala to his station in the United States of America. The officer and his family shall be furnished with first-class transportation accommodations, family being construed as wife and dependent children throughout the contract. It is understood, however, that the accommodations and allowances for travel and transportation of effects shall not exceed the allowances to which the officer detailed under this contract would be entitled, for himself and his family, by virtue of his rank in the Army of the United States of America.

The household effects, baggage and automobile of this officer shall be exempt from customs duties and imposts of any kind in Guatemala.

Art. 9. If cancellation of this contract be effected upon request of the United States of America for any reason other than war between Guatemala and a foreign government or civil war in Guatemala, all expenses of the return of the officer detailed under this contract, his family and all his effects, to his station in the United States shall be borne by the Government of the United States of America; should cancellation be effected on the initiative of the Guatemalan Government or as a result of war between Guatemala and a foreign government, or as the result of the outbreak of civil war in Guatemala, the Guatemalan Government shall bear these costs.

Signatures.

In witness whereof two copies are signed, in English and in Spanish both originals, in the City of Washington, D. C., this twenty-eighth day of March 1939.

[SEAL]	CORDELL HULL
[SEAL]	ADRIAN RECINOS

## ACUERDO ENTRE LOS GOBIERNOS DE LA REPUBLICA DE GUATEMALA Y LOS ESTADOS UNIDOS DE AMERICA

De acuerdo con una solicitud del Gobierno de la República de Guatemala, el Presidente de los Estados Unidos de América, en virtud de la autorización que le confiere la Ley del Congreso, aprobada el 19 de mayo de 1926, titulada "Ley que autoriza al Presidente para designar oficiales y hombres de tropa del Ejército, de la Marina de Guerra y de la Infantería de Marina para que asistan a los Gobiernos de las Repúblicas de la América latina en asuntos militares y navales", como quedó enmendada por Ley del 14 de mayo de 1935, para incluir la Mancomunidad de las Islas Filipinas, ha autorizado la designación de un oficial del Ejército de los Estados Unidos de América para que sirva a la República de Guatemala, de acuerdo con las siguientes condiciones:

### TITULO 1

#### *Propósito y Duración*

Artículo 1.º Los deberes del oficial así designado serán servir como Director de la Escuela Politécnica de la República de Guatemala.

Artículo 2.º Este convenio continuará en efecto por un período de dos años a partir de la fecha de su firma por los representantes acreditados de los Gobiernos de los Estados Unidos de América y de la República de Guatemala.

Artículo 3.º El convenio puede terminarse, si así fuere necesario para los intereses de cualquiera de los dos Gobiernos, por medio de notificación debidamente presentada por vía diplomática, con tres meses de anticipación.

Artículo 4.º El Ministerio de la Guerra de Guatemala le conferirá al oficial designado, durante el término de este contrato, el grado asimilado de General de Brigada.

Artículo 5.º El oficial designado bajo este contrato quedará solamente subordinado al Ministro de la Guerra.

Artículo 6.º El oficial designado bajo este contrato recibirá del Gobierno de Guatemala, en concepto de sueldo y gastos, una suma, neta, igual al 50% del sueldo y gastos que recibe del Gobierno de los Estados Unidos de América; pero dicho sueldo y gastos no excederán en ningún caso la suma de \$300.00 al mes, moneda de los Estados Unidos de América. El sueldo y gastos que recibirá del Gobierno de Guatemala serán pagados en mensualidades, en moneda de los Estados Unidos de América, el último día de cada mes, inclusive cantidades devengadas dicho día. Si el oficial designado fuere ascendido en el Ejército de los Estados Unidos de América mientras esté al servicio de la República de Guatemala, dicha República pagará al oficial designado un sueldo y gastos en proporción con su nuevo grado como queda establecido por los reglamentos del Ejército de los Estados Unidos de América, desde la fecha de su promoción. El sueldo y gastos que pagará el Gobierno de Guatemala comenzarán a contarse

desde el día en que llegue el oficial a la capital de Guatemala y terminará el día en que termine este contrato, o quedare terminado de otra manera, como más adelante se especifica.

Artículo 7.º Queda además estipulado que el sueldo que reciba el oficial designado por este contrato no quedará sujeto al pago de ningún impuesto ahora en efecto en Guatemala o que en lo sucesivo se establezca, pero si ahora hay impuestos que afecten el sueldo mencionado o si durante la vigencia de este contrato hubiere impuestos que afecten el sueldo mencionado o si durante la vigencia de este contrato hubiere impuestos que lo afectaren, dichos impuestos serán pagados por el Ministerio de la Guerra de Guatemala para cumplir con los requisitos que quedan estipulados al efecto que el sueldo y gastos convenidos deberán ser netos.

Artículo 8.º Los gastos de transporte por tierra y mar del oficial designado bajo este contrato, así como los de su familia, y los de sus muebles y enseres domésticos y equipaje, inclusive su automóvil, desde el lugar de su puesto en los Estados Unidos de América hasta su puesto en Guatemala, serán pagados con anticipación por el Gobierno de Guatemala, incluyendo en dichos gastos el empaque y embalaje; y, excepto en los casos previstos en el Artículo 9.º del presente, el Gobierno de Guatemala pagará también con anticipación los gastos de transporte que se fijan con anterioridad, correspondientes al viaje de regreso del oficial de su puesto en Guatemala a su puesto en los Estados Unidos de América. El oficial y su familia deberán recibir pasajes de primera clase. Por familia se entiende en este contrato a la esposa e hijos menores de edad. Queda entendido, sin embargo, que los pasajes y gastos de viaje y transporte de efectos no excederán los gastos a que tiene derecho, según su grado en el Ejército de los Estados Unidos de América, el oficial que se designa bajo los términos de este contrato.

Los muebles y enseres domésticos, equipaje y automóvil de este oficial quedarán exentos de cualesquier derechos de aduana y cualesquier impuestos en Guatemala.

Artículo 9.º Si este contrato fuere cancelado a solicitud del Gobierno de los Estados Unidos de América por cualquier razón que no fuera debida a guerra entre Guatemala y un país extranjero, o a guerra civil en Guatemala, todos los gastos relacionados con el regreso del oficial designado bajo este contrato y con el de su familia y de todos sus efectos hasta su puesto en los Estados Unidos de América serán por cuenta del Gobierno de los Estados Unidos de América; si el contrato fuere cancelado a solicitud del Gobierno de Guatemala, o como resultado de una guerra entre Guatemala y un país extranjero, o como resultado de guerra civil en Guatemala, el Gobierno de Guatemala sufragará dichos gastos.

EN FE DE LO CUAL, se firman dos documentos, en inglés y en español, ambos originales, en la ciudad de Washington, D. C., el día 28 del mes de marzo de 1939.

[SEAL]	ADRIAN RECINOS
[SEAL]	CORDELL HULL

*Agreement between the United States of America and Nicaragua respecting a military mission. Signed May 22, 1939; effective May 22, 1939.*

May 22, 1939  
[E. A. S. No. 156]

## AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF NICARAGUA

In conformity with a request of the Government of the Republic of Nicaragua, the President of the United States of America, by virtue of the authority conferred by the Act of Congress, approved May 19, 1926, entitled "An Act to authorize the President to detail officers and enlisted men of the United States Army, Navy and Marine Corps to assist the Governments of the Latin American Republics in military and naval matters", as amended by an Act of May 14, 1935, to include the Commonwealth of the Philippine Islands, has authorized the detail of an officer to the Republic of Nicaragua upon the following agreed conditions:

Agreement with  
Nicaragua respecting  
a military mission

44 Stat. 565.  
10 U. S. C. § 540.

49 Stat. 218.  
10 U. S. C., Supp. IV,  
§ 540.

### TITLE I

#### *Purpose and Duration*

Art. 1. The duties of the officer so detailed shall be to serve as Director of the Military Academy of the National Guard of the Republic of Nicaragua.

Purpose and dura-  
tion.

Art. 2. This agreement shall continue in force for two years from the date of the signature by the accredited representatives of the Governments of the United States of America and the Republic of Nicaragua.

Art. 3. The agreement may be terminated if necessary in the interest of either Government upon notification duly delivered through diplomatic channels three months in advance.

Art. 4. The Government of the Republic of Nicaragua will grant to the officer detailed under this contract the assimilated rank of Colonel for the duration of this contract.

Art. 5. The officer detailed under this contract shall be solely responsible to the President and Commander-in-Chief of the Republic of Nicaragua.

Art. 6. The officer detailed under this contract shall receive from the Government of Nicaragua pay and allowances equal, net, to 50 percent of and additional to the pay and allowances which he receives from the Government of the United States, but such additional pay and allowances shall not exceed the sum of Three Hundred Dollars, current money of the United States of America, for any one month. The pay and allowances to be received from the Government of Nicaragua shall be paid monthly in United States currency on the last day of each month in the full amount accrued to and including that day. Should the officer while so serving be promoted in the United

States Army, he shall receive from the Government of the Republic of Nicaragua proportionate pay and allowances for his new rank as established according to United States Army Regulations, payable as from the date of his promotion. The pay and allowances due the officer from the Government of Nicaragua shall be computed from the day that he arrives at the capital of Nicaragua and shall terminate on the day on which the contract is completed or is otherwise terminated as provided herein.

Art. 7. It is further stipulated that the compensation received by the officer detailed under this contract shall not be subject to any Nicaraguan tax now in force or which may hereafter be imposed, but should there, however, be at present or during the life of this agreement, any taxes which may affect the said compensation, such taxes shall be borne by the Government of the Republic of Nicaragua in order to comply with the provisions stipulated above that the pay and allowances agreed upon shall be net.

Art. 8. The expenses of transportation by land and sea of the officer detailed under this contract, his family, household effects and baggage, including automobile, from his station in the United States of America to his place of duty in Nicaragua, shall be paid in advance by the Government of Nicaragua, these expenses to include the cost of packing and crating; and, except as provided in article 9 hereof, the Government of Nicaragua shall also pay in advance the expense of transportation, as above defined, covering the return journey from the officer's place of duty in Nicaragua to his station in the United States of America. The officer and his family shall be furnished with first-class transportation accommodations, family being construed as wife and dependent children throughout the contract. It is understood, however, that the accommodations and allowances for travel and transportation of effects shall not exceed the allowances to which the officer detailed under this contract would be entitled, for himself and his family, by virtue of his rank in the Army of the United States of America.

The household effects, baggage and automobile of this officer shall be exempt from customs duties and imposts of any kind in Nicaragua.

Art. 9. If cancellation of this contract be effected upon request of the United States of America for any reason other than war between Nicaragua and a foreign government or civil war in Nicaragua, all expenses of the return of the officer detailed under this contract, his family and all his effects, to his station in the United States shall be borne by the Government of the United States of America; should cancellation be effected on the initiative of the Government of Nicaragua or as a result of war between Nicaragua and a foreign government, or as the result of the outbreak of civil war in Nicaragua, the Government of Nicaragua shall bear these costs.

Signatures.

In witness whereof two copies are signed, in English and in Spanish, both originals, in the City of Washington, D. C., this twenty-second day of May 1939.

[SEAL]

CORDELL HULL

[SEAL]

LEÓN DE BAYLE

## ACUERDO ENTRE LOS GOBIERNOS DE LA REPUBLICA DE NICARAGUA Y LOS ESTADOS UNIDOS DE AMERICA

De acuerdo con una solicitud del Gobierno de la República de Nicaragua, el Presidente de los Estados Unidos de América, en virtud de la autorización que le confiere la Ley del Congreso, aprobada el 19 de mayo de 1926, titulada "Ley que autoriza al Presidente para designar oficiales y hombres de tropa del Ejército, de la Marina de Guerra y de la Infantería de Marina para que asistan a los Gobiernos de las Repúblicas de la América latina en asuntos militares y navales", como quedó enmendada por Ley del 14 de mayo de 1935, para incluir la Mancomunidad de las Islas Filipinas, ha autorizado la designación de un oficial del Ejército de los Estados Unidos de América para que sirva a la República de Nicaragua, de acuerdo con las siguientes condiciones:

### TITULO 1

#### *Propósito y Duración*

Artículo 1.º Los deberes del oficial así designado serán servir como Director de la Academia Militar de la Guardia Nacional de la República de Nicaragua.

Artículo 2.º Este convenio continuará en efecto por un período de dos años a partir de la fecha de su firma por los representantes acreditados de los Gobiernos de los Estados Unidos de América y de la República de Nicaragua.

Artículo 3.º El convenio puede terminarse, si así fuere necesario para los intereses de cualquiera de los dos Gobiernos, por medio de notificación debidamente presentada por vía diplomática, con tres meses de anticipación.

Artículo 4.º El Gobierno de la República de Nicaragua le conferirá al oficial designado, durante el término de este contrato, el grado asimilado de Coronel.

Artículo 5.º El oficial designado bajo este contrato quedará solamente subordinado al Presidente y Comandante General de la República de Nicaragua.

Artículo 6.º El oficial designado bajo este contrato recibirá del Gobierno de Nicaragua, en concepto de sueldo y gastos, una suma, neta, igual al 50 o/o del sueldo y gastos que recibe del Gobierno de los Estados Unidos de América; pero dicho sueldo y gastos no excederán en ningún caso la suma de \$300.00 al mes, moneda de los Estados Unidos de América. El sueldo y gastos que recibirá del Gobierno de Nicaragua serán pagados en mensualidades, en moneda de los Estados Unidos de América, el último día de cada mes, inclusive cantidades devengadas dicho día. Si el oficial designado fuere ascendido en el Ejército de los Estados Unidos de América mientras esté al servicio de la República de Nicaragua, dicha República pagará al oficial designado un sueldo y gastos en proporción con su nuevo grado como queda establecido por los reglamentos del Ejército de los Estados Unidos de América, desde la fecha de su promoción. El sueldo y gastos que pagará el Gobierno de Nicaragua comenzarán a contarse

desde el día en que llegue el oficial a la capital de Nicaragua y terminará el día en que termine este contrato, o quedare terminado de otra manera, como más adelante se especifica.

Artículo 7.º Queda además estipulado que el sueldo que reciba el oficial designado por este contrato no quedará sujeto al pago de ningún impuesto ahora en efecto en Nicaragua o que en lo sucesivo se establezca, pero si ahora hay impuestos que afecten el sueldo mencionado o si durante la vigencia de este contrato hubiere impuestos que afecten el sueldo mencionado o si durante la vigencia de este contrato hubiere impuestos que lo afectaren, dichos impuestos serán pagados por el Gobierno de la República de Nicaragua para cumplir con los requisitos que quedan estipulados al efecto que el sueldo y gastos convenidos deberán ser netos.

Artículo 8.º Los gastos de transporte por tierra y mar del oficial designado bajo este contrato, así como los de su familia, y los de sus muebles y enseres domésticos y equipaje, inclusive su automóvil, desde el lugar de su puesto en los Estados Unidos de América hasta su puesto en Nicaragua, serán pagados con anticipación por el Gobierno de Nicaragua, incluyendo en dichos gastos el empaque y embalaje; y, excepto en los casos previstos en el Artículo 9.º del presente, el Gobierno de Nicaragua pagará también con anticipación los gastos de transporte que se fijan con anterioridad, correspondientes al viaje de regreso del oficial de su puesto en Nicaragua a su puesto en los Estados Unidos de América. El oficial y su familia deberán recibir pasajes de primera clase. Por familia se entiende en este contrato a la esposa e hijos menores de edad. Queda entendido, sin embargo, que los pasajes y gastos de viaje y transporte de efectos no excederán los gastos a que tiene derecho, según su grado en el Ejército de los Estados Unidos de América, el oficial que se designa bajo los términos de este contrato.

Los muebles y enseres domésticos, equipaje y automóvil de este oficial quedarán exentos de cualesquier derechos de aduana y cualesquier impuestos en Nicaragua.

Artículo 9.º Si este contrato fuere cancelado a solicitud del Gobierno de los Estados Unidos de América por cualquier razón que no fuera debida a guerra entre Nicaragua y un país extranjero, o a guerra civil en Nicaragua, todos los gastos relacionados con el regreso del oficial designado bajo este contrato y con el de su familia y de todos sus efectos hasta su puesto en los Estados Unidos de América serán por cuenta del Gobierno de los Estados Unidos de América; si el contrato fuere cancelado a solicitud del Gobierno de Nicaragua, o como resultado de una guerra entre Nicaragua y un país extranjero, o como resultado de guerra civil en Nicaragua, el Gobierno de Nicaragua sufragará dichos gastos.

EN FE DE LO CUAL, se firman dos documentos, en inglés y en español, ambos originales, en la ciudad de Washington, D. C., el día 22 del mes de mayo de 1939.

[SEAL]	LEÓN DE BAYLE
[SEAL]	CORDELL HULL



*Arrangement between the United States of America and Canada concerning visits in uniform by members of defense forces. Effected by exchange of notes dated March 7, April 5, and June 22, 1939; effective July 1, 1939.*

March 7, April 5, and  
June 22, 1939  
[E. A. S. No. 167]

*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 58

His Majesty's Minister for Canada presents his compliments to the Secretary of State and has the honour to refer to the question of securing permission for individual members of the Canadian Defence Forces to visit the United States in uniform. This question was raised in the final paragraph of a note from Secretary of State dated December 10th 1927. The matter of dispensing with the formality of making application through the diplomatic channel in such cases has received the attention of the interested Canadian authorities.

Arrangement with  
Canada concerning  
visits in uniform by  
members of defense  
forces.

In the view of the Department of National Defence it is not desirable to dispense with all formality in connection with visits of individual members of the defence forces in uniform from either country to the territory of the other; it is thought to be questionable whether it would be in the national interest to do so and breaches of etiquette or of the law by visitors in uniform are apt to assume a significant importance.

However in referring to the intimation made by the United States authorities that it is unnecessary to make a specific request for permission for individual members of the defence forces in uniform to visit the United States the Department of National Defence is prepared to issue instructions that individuals of the Canadian Militia Service are not to proceed to the United States in uniform, or to wear uniform when in the United States without first obtaining permission from the District Officer Commanding by whom a pass will be given to the individual stating the occasion and the period for which the necessary authority has been granted. In the case of the personnel of the Royal Canadian Navy and the Royal Canadian Air Force the necessary authorization will be issued from National Defence headquarters.

In outlining the proposed procedure which the Canadian authorities are willing to apply in the future it would be appreciated if the Legation might be informed whether a similar procedure would be acceptable to the competent authorities of the United States Government. The procedure would be that specific requests for permission for individual members of United States Defence Forces to visit Canada need not be made through the diplomatic channel and that individuals of the United States Defence Forces visiting Canada in uniform should obtain the permission of their Corps or

other appropriate commander and be prepared to show such "pass" to the Canadian immigration inspector at the port of entry.

It is stated that at the present time the Canadian Immigration authorities do not permit entry of uniformed members of the Forces of another country unless permission has been obtained therefor through the diplomatic channel. In the event however that the proposal outlined above is agreeable to the competent authorities of the United States Government consideration will be given by the Director of Immigration in Canada to the issuance of appropriate instructions to the immigration inspectors along the border.

No change is contemplated at present in the procedure for the admission of organized parties of members of the Defence Forces in uniform from either country to the territory of the other.

It is not desired that the new procedure should apply to visits by individual members of police forces in uniform. The Commissioner of the Royal Canadian Mounted Police to whom the question was referred in connection with visits to the United States of individual members of the force in uniform has stated that the Royal Canadian Mounted Police Rules and Regulations forbid a member of the force to enter the United States in uniform without permission apart from exceptional circumstances. In view of the delay which transmitting a request through the diplomatic channel or securing a pass would entail the Commissioner desires to rely upon the broad statement of the United States authorities referred to in the first paragraph of the present note that a request for permission is not necessary. It is understood however that the crossing of the boundary without specific authority will be reserved for exceptional circumstances and in accordance with the practice that has been followed heretofore in such matters.

Sir Herbert Marler would be grateful to be informed whether the proposed procedure meets with the approval of the competent authorities of the United States Government and in the event that it does to be informed of a date upon which it would be convenient to have the said procedure put into effect.

CANADIAN LEGATION  
Washington, D. C.

March 7, 1939

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*The Secretary of State (Hull) to the Canadian Minister (Marler)*

The Secretary of State presents his compliments to the Honorable the Minister of Canada and has the honor to acknowledge the receipt of his note no. 58, dated March 7, 1939, concerning the matter of dispensing with the formality of making application through diplomatic channels for permission for visits of individual members of the Defense Forces, in uniform, from Canada or the United States to the territory of the other.

The Secretary of State is now in receipt of communications from the interested Federal authorities which state that the procedure suggested by the Canadian Department of National Defence is agreeable to this Government and that individual members of the Defense Forces, in uniform, desiring to visit from Canada or the United States to the territory of the other will obtain special permission from the individual's Commanding Officer for each specific visit, which permission will be evidenced by a written pass showing, in addition, the dates of commencement and termination of the visit, this pass to be shown to the border authorities for entrance into and exit from the territory of the other.

The proposed procedure can be put into effect, July 1, 1939, if such action is agreeable to the Canadian authorities.

DEPARTMENT OF STATE,

*Washington, April 5, 1939*

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*The Canadian Minister (Marler) to the Secretary of State (Hull)*

No. 165

His Majesty's Minister for Canada presents his compliments to the Secretary of State and has the honour to refer to the Department of State's note of April 5, 1939, and previous correspondence concerning the matter of dispensing with the formality of making application through diplomatic channels for permission for visits of individual members of the Defence Forces in uniform from Canada or the United States to the territory of the other country. In the Department's note under reference it was stated that the procedure suggested by the Canadian Department of National Defence was agreeable to the United States Government whereby individual members of the Defence Forces in uniform desiring to visit from Canada or the United States to the territory of the other country would obtain special permission from the individual's Commanding Officer for each specific visit, this permission to be evidenced by a written pass showing in addition the dates of the commencement and termination of the visit. The pass would be shown to the authorities at the International Boundary. It was added that the proposed procedure could be put into effect on July 1, 1939, if such action were agreeable to the Canadian authorities.

Sir Herbert Marler is instructed to state that it is agreeable to the Canadian Government that the proposed procedure be put into effect on July 1, 1939.

CANADIAN LEGATION

*Washington, D. C.*

*June 22, 1939*

November 9, 12, 1938,  
and April 17, 18,  
1939  
[E. A. S. No. 158]

*Agreement between the United States of America and Mexico respecting compensation for expropriated lands. Effected by exchanges of notes signed November 9 and 12, 1938 and April 17 and 18, 1939.*

*The Secretary of State (Hull) to the Mexican Ambassador  
(Castillo Nájera)*

DEPARTMENT OF STATE

WASHINGTON

November 9, 1938.

EXCELLENCY:

Agreement with  
Mexico respecting  
compensation for ex-  
propriated lands.

I have the honor to acknowledge the receipt of the note addressed by your Government on September 1 to Ambassador Daniels.<sup>1</sup>

Careful examination of that note discloses no grounds that would justify this Government in modifying the position set forth at length in my notes to you dated July 21 and August 22, 1938.<sup>2</sup> My Government must insist that the recognized rules of law and equity require the prompt payment of just compensation for property that may be expropriated. Therefore, inasmuch as my Government remains convinced of the basic soundness of its position, buttressed as it is by law and justice, and in view of the scope and content of our recent conversations, in the course of which you informed me of the policy of your Government and of the desire of the Government of Mexico, which is similar to the desire of the Government of the United States, to settle all difficulties which may arise between the two Governments in a spirit of friendship and of equity, further discussion of the note under reference seems unnecessary.

My Government has a particular desire to safeguard friendship with Mexico not only because Mexico is one of its nearest neighbors but on account of the many ways in which ever improving relations, in the fullest sense, between the two countries could be complementary and mutually beneficial. It has, therefore, spared no effort to arrive at prompt, friendly and satisfactory solutions of problems as they arose. It was in this spirit that last November my Government urged, in accordance with the principle of just compensation, the desirability of a comprehensive agreement providing for the compensation of the American citizens whose properties had been seized by the Mexican Government. It is in that same spirit that I have given every attention to the proposals of your Government which you recently communicated to me. Based upon them, my Government would be willing to agree to the plan proposed hereafter which, if acceptable to your Government, would resolve at once the present controversy, in so far as it relates to compensation for American-owned agrarian properties seized since August 30, 1927, that if continued must

<sup>1</sup> See *Compensation for American-Owned Lands Expropriated in Mexico*, Department of State publication 1288, Conference Series 16 (1939), p. 31.

<sup>2</sup> See *ibid.*, pp. 1 and 15.

seriously impair the friendly relations between the two countries. It is also in this same spirit that I earnestly commend it to the favorable consideration of your Government.

One: Both our Governments are in accord that the values of the American-owned agrarian properties expropriated since August 30, 1927, be determined by a Commission composed of one representative of each of our Governments, and in case of disagreement, by a third person selected by the Permanent Commission with seat at Washington, as established by the so-called Gondra Treaty.

Two: My Government proposes (a) that the two commissioners be appointed by their respective Governments at once; (b) that they hold their first meeting in the City of Mexico on the first day of December 1938; (c) that each Government bear the entire expense of the salaries, maintenance, transportation, and incidentals of its commissioner and his staff and that any expense incurred jointly, as for instance in connection with airplane travel, be shared equally.

Three: My Government believes it important, and understands that your Government is in accord in this regard, that a time limit be established for the completion of the work of the commissioners. It is therefore proposed that the commissioners be instructed that they must complete the determinations of value by not later than May 31, 1939. If during the course of the deliberations of the two commissioners they are unable to reach a common finding upon the matters submitted to them for their joint determination, my Government proposes that the Permanent Commission at Washington be requested to appoint immediately the third commissioner in order that he may resolve the matters upon which the two Governments' commissioners are unable to agree. It is further proposed that in case of disagreement in any particular case, the representative appointed by the Permanent Commission be requested to render his award within not more than two months from the time the case is submitted to him. The salaries and expenses of the third commissioner will be defrayed in equal proportions by the two Governments.

Four: The adequate and effective measure of compensation to be paid in each case shall be determined in the usual manner by taking into consideration, among other pertinent factors, the establishment of the nationality of the claimant, the legitimacy of his title, the just value of the property expropriated, the fair return from the property of which claimant has been deprived between the time of expropriation and the time of receiving compensation, as well as such other facts as in the opinion of the commissioners should be taken into account in reaching a determination as to compensation.

Five: It is my understanding that the Mexican Government will pay the sum of \$1,000,000 United States currency as first payment of the indemnities to be determined by the Commission to which this note refers, and that this payment will be made to the Government of the United States on or before May 31, 1939.

It is my further understanding that immediately subsequent to the determination by the Commission of the final valuation, in accordance with the procedure indicated in numbered paragraph Four of this

note, of American-owned agrarian properties as defined in numbered paragraph One, the two Governments will reach an agreement as to the amounts to be paid to the Government of the United States by the Government of Mexico annually for the account of such claims in the years subsequent to the year 1939. As the basis for such agreement there will be taken into consideration such statement of its ability to pay as may be demonstrated by the Government of Mexico. The Government of Mexico, I understand, agrees that the annual payments to be made by it to the Government of the United States subsequent to the year 1939 for the account of these claims will in no event be less than \$1,000,000 United States currency, and that such payments will be made on June 30 of the corresponding year.

In view of our recent conversations I have every confidence that the foregoing proposals will prove acceptable to Your Excellency's Government. I shall await with interest Your Excellency's response to the suggestions made.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

Señor Dr. Don FRANCISCO CASTILLO NÁJERA,  
*Ambassador of Mexico.*

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*The Mexican Minister for Foreign Affairs (Hay) to the American Ambassador (Daniels)*

SECRETARIA DE RELACIONES EXTERIORES  
ESTADOS UNIDOS MEXICANOS  
MEXICO

511284

MÉXICO, 12 de noviembre de 1938.

SEÑOR EMBAJADOR:

Tengo el honor de acusar recibo de la nota que, con fecha 9 del presente mes, el Excelentísimo Sr. Cordell Hull, Secretario de Estado de vuestro país, dirigió al Embajador de México en los Estados Unidos de Norte América, Dr. Francisco Castillo Nájera, por la que el Gobierno de Vuestra Excelencia, al insistir en su opinión de que los principios reconocidos de derecho y equidad exigen el pago inmediato de justa compensación por bienes que sean expropiados, manifiesta su disposición para convenir en un plan que, basándose en las proposiciones de mi Gobierno, se aplique a la consideración y pago de las afectaciones agrarias posteriores a 1927.

El Gobierno de México, a su vez, al reafirmar su convicción de no haber procedido en contra de las normas y principios del Derecho Internacional, de la justicia y la equidad, con la expedición y aplicación de su Legislación Agraria, está de acuerdo con el plan presentado y se complace en reconocer que los sentimientos de cordial amistad que ligan a nuestros dos países, hayan prevalecido a la postre sobre discrepancias de orden técnico y jurídico.

Como fué propuesto en mi nota a vuestro Gobierno, el 3 de agosto del año en curso, mi Gobierno conviene en que el valor de las tierras expropiadas sea establecido por una comisión integrada por un representante de cada Gobierno, así como que los casos de desacuerdo, entre estos representantes, sean decididos por una tercera persona, designada por la Comisión Permanente, establecida por el Pacto Gondra y que tiene su sede en Washington, a pesar de que no se trata, en el presente caso, de una comisión investigadora, función expresa señalada en dicho Pacto a la citada Comisión.

Mi Gobierno está de acuerdo, también con su intención original, en el sentido de que los representantes de ambos países sean, desde luego, designados y que su primera reunión se efectúe en la ciudad de México el primero de diciembre del año actual. Las erogaciones por concepto de emolumentos, pasajes y otros gastos, tanto de los representantes como de las personas que los secunden en sus trabajos, serán sufragados por cuenta del Gobierno respectivo. Los dos Gobiernos cubrirán, por mitad, los gastos originados conjuntamente.

Asimismo, los emolumentos que hayan de pagarse a la mencionada tercera persona se cubrirán, como lo propone vuestro Gobierno, por mitad, entre México y los Estados Unidos.

Mi Gobierno expresamente manifiesta estar de acuerdo en que los representantes designados sean instruídos en el sentido de que sus trabajos de avalúo concluyan en mayo de 1939, y en que los casos de desacuerdo sean sometidos a la consideración del Tercero, quien deberá ser requerido, igualmente, para que rinda sus decisiones en un plazo no mayor de dos meses, a partir de la fecha en que haya sido solicitada su intervención.

El Gobierno de México entiende que al actuar los comisionados, para hacer el avalúo respectivo, deberán tomar en cuenta, entre otros hechos pertinentes, el establecimiento de la nacionalidad del reclamante, la legalidad de su título para reclamar y el valor fiscal último, previo a la afectación.

En cuanto a la forma de pago de las indemnizaciones correspondientes, mi Gobierno cubrirá en el mes de mayo del año de 1939, la suma de un millón de dólares.

Mi Gobierno está de acuerdo en que una vez que los representantes fijen el monto de las indemnizaciones, los Gobiernos concierten la suma anual que el Gobierno de México debe pagar al de los Estados Unidos, en los años subsiguientes al de 1939, por concepto de las reclamaciones de que se trata. Para la fijación de dichos pagos anuales se tomarán en cuenta las posibilidades económicas de México. Mi Gobierno conviene, desde ahora, en que las sumas anuales, que deberán pagarse al Gobierno de los Estados Unidos, no serán inferiores a un millón de dólares moneda de los Estados Unidos y, por último, mi Gobierno está de acuerdo en que los pagos se cubran el día 30 de junio de cada año.

El Gobierno de México estima necesario dejar establecido que las resoluciones a que lleguen los representantes designados, en ningún caso se extenderán más allá del avalúo de las tierras afectadas y de las

modalidades de pago de la cantidad que se fije; que no constituirán precedente, en ningún caso ni por motivo alguno; tampoco decidirán sobre los principios jurídicos sostenidos por ambos Gobiernos y aplicables a la materia de que se trata.

El Gobierno de México se complace en reconocer que, al formalizar este arreglo, ha podido, por una parte, demostrar, al igual que lo expresado por el de Vuestra Excelencia en la nota que contesto, el deseo especial de mantener a salvo su amistad con los Estados Unidos, por los mutuos beneficios que este sentimiento recíproco representa para los dos países y cumplir, por la otra, con los mandatos de la Legislación Agraria, expresión de nuestra política tradicional que, al ser interpretada por el C. Presidente de la República, fué apoyada, en forma solemne, por la Representación Nacional, en la respuesta dada al mensaje del Poder Ejecutivo por el C. Presidente del Congreso de la Unión, en la inauguración del período de sesiones del primero de septiembre último.

Aprovecho esta oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

EDUARDO HAY

Excelentísimo Señor JOSEPHUS DANIELS,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de Norte América.*

*Presente.*

[Translation]

MINISTRY FOR FOREIGN AFFAIRS  
UNITED MEXICAN STATES  
MEXICO

511284

MEXICO, November 12, 1938.

MR. AMBASSADOR:

I have the honor to acknowledge receipt of the note dated November 9, 1938, addressed by His Excellency Secretary of State Cordell Hull to the Ambassador of Mexico in the United States of America, Dr. Francisco Castillo Nájera, in which the Government of Your Excellency, while maintaining its opinion that the recognized principles of law and equity require the immediate payment of just compensation for expropriated properties, makes known its readiness to agree to a plan which, based on the proposals of my Government, may apply to the consideration and payment of agrarian expropriations (*afectaciones*) subsequent to 1927.

The Government of Mexico, in its turn, while reaffirming its conviction that it has not acted contrary to the rules and principles of international law, of justice and equity, by the enactment and application of its agrarian legislation, is in agreement with the plan presented and takes pleasure in recognizing that the sentiments of cordial friendship which unite our two countries have in the end prevailed over differences of a technical and juridical order.

As was proposed in my note to your Government on August 3 of the current year, my Government agrees that the value of the expropriated lands shall be established by a commission consisting of a



representative of each Government, and that cases of disagreement between these representatives shall be decided by a third person designated by the Permanent Commission, established by the Gondra Pact, which has its seat in Washington, notwithstanding the fact that, in this instance, it is not a matter of an investigating commission, an express function assigned that commission in the said pact.

My Government agrees, likewise, in conformity with its original intention, that the representatives of the two Governments shall be immediately designated and that their first meeting shall take place in the City of Mexico on the 1st day of December of the present year. Outlays for emoluments, travel, and other expenditures, both of the representatives and of the persons assisting them in their work, shall be defrayed by the respective Government. The two Governments shall each pay one-half of the expenses incurred jointly.

Likewise, the emoluments which are to be paid to the third person referred to shall be shared equally, as proposed by your Government, by Mexico and the United States.

My Government expressly declares that it agrees that the representatives designated be instructed to the effect that their work of evaluation be concluded in May 1939, and that the cases of disagreement be submitted to the consideration of the third person, who will likewise be requested to render his decision within a period of not more than 2 months, counting from the date on which his intervention has been requested.

The Government of Mexico understands that the commissioners, in proceeding to make the respective evaluation, shall take into account, among other pertinent facts, the establishment of the nationality of the claimant, the legality of his title to enter a claim, and the last fiscal valuation prior to the expropriation.

Respecting the manner of payment of the corresponding indemnifications, my Government will pay the amount of one million dollars in the month of May 1939.

My Government is agreed that, once the representatives fix the amount of the indemnifications, the Governments shall agree upon the annual amount which the Government of Mexico shall pay to that of the United States, in the years subsequent to 1939, on the claims in question. In the determination of the said annual payments, the economic possibilities of Mexico shall be taken into account. My Government agrees, forthwith, that the annual amounts which must be paid to the United States Government shall not be less than one million dollars, United States currency, and, lastly, my Government agrees that the payments shall be made on the 30th day of June of each year.

The Government of Mexico deems it necessary to have it understood that the decisions reached by the representatives designated shall in no case extend beyond evaluation of the lands expropriated and the modalities of payment of the amount determined; that they shall not constitute a precedent, in any case nor for any reason; neither shall they decide the juridical principles maintained by the two Governments and applicable to the matter in question.

The Government of Mexico is pleased to recognize that, in formalizing this arrangement, it has been able, on the one hand, to show, as was expressed in the note to which I reply, its especial desire to safeguard its friendship with the United States, because of the mutual benefits which this reciprocal sentiment represents for both countries, and to carry out, on the other hand, the mandates of the agrarian legislation, an expression of our traditional policy, which, on being interpreted by the President of the Republic, was supported, formally, by the National Legislative Body in the reply given to the message from the Executive by the President of the Congress of the Union at the opening of the period of sessions on September 1, last.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDUARDO HAY

His Excellency

Mr. JOSEPHUS DANIELS,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

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*The American Chargé d'Affaires ad interim (Boal) to the Mexican  
Minister for Foreign Affairs (Hay)*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 3540

MÉXICO, D. F., April 17, 1939

EXCELLENCY:

I have the honor to refer to the exchange of notes of November 9 and November 12, 1938 between Your Excellency's Government and my Government on the subject of agrarian claims.

In view of the very limited time now remaining within the period originally contemplated for the examination and evaluation of all the agrarian claims, it would seem that the period of time for the filing of claims might usefully be extended to July 31, 1939 and the period for the adjudication of claims might be extended to November 30, 1939. It would also seem that both periods might be further extended, if necessary, particularly since, under the provisions of the notes just mentioned, Mexico will obviously have a period of years in which to complete payments.

It would be understood that the extension of time would be without prejudice to any other aspect of the agreement of November 9–November 12, 1938.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

PIERRE DE L. BOAL  
*Chargé d'Affaires ad interim*

His Excellency

Señor General EDUARDO HAY,  
*Minister for Foreign Affairs,  
México, D. F.*

*The Mexican Minister for Foreign Affairs (Hay) to the American Chargé  
d'Affaires ad interim (Boal)*

SECRETARIA DE RELACIONES EXTERIORES

ESTADOS UNIDOS MEXICANOS

MEXICO

54133

MÉXICO, 18 de abril de 1939.

SEÑOR ENCARGADO DE NEGOCIOS:

Doy respuesta a la atenta nota de usted, del 17 del actual, en la que manifiesta que—en vista de quedar un tiempo muy limitado para el examen y avalúo de las reclamaciones agrarias de ciudadanos norteamericanos, que deben hacer los Comisionados de México y de los Estados Unidos, en los términos del arreglo celebrado por medio de las notas cambiadas el 9 y 12 de noviembre de 1938—estima usted que tanto el plazo para presentar las reclamaciones como el que correspondería para decidir las, puede ampliarse convenientemente.

Mi Gobierno expresa, una vez más, su conocido deseo de que estos asuntos sean definitivamente resueltos y, animado de tal propósito, accede, desde luego, a la solicitud que hace usted en la nota que contesto, y declara su conformidad en que el plazo para presentar reclamaciones ante los Comisionados de ambos países, se prorrogue hasta el 31 de julio del año en curso y, de esa fecha hasta el 30 de noviembre próximo, quede establecido un término para decidir sobre el monto de las reclamaciones presentadas.

Aprovecho esta oportunidad para renovar a usted el testimonio de mi muy atenta y distinguida consideración.

EDUARDO HAY

ST. PIERRE DE L. BOAL,  
*Encargado de Negocios de los  
Estados Unidos de Norte América.*

*Presente.*

[Translation]

MINISTRY FOR FOREIGN AFFAIRS

UNITED MEXICAN STATES

MEXICO

54133

MEXICO, April 18, 1939.

MR. CHARGÉ D'AFFAIRES:

I am replying to your courteous note of the 17th instant, in which you state that—in view of the very limited time now remaining for the examination and evaluation of the agrarian claims of American citizens by the Commissioners of Mexico and the United States in the terms of the agreement concluded by means of the notes exchanged on November 9th and 12th 1938—you consider that both the period for the presentation of the claims and that for the deciding of them might usefully be extended.

My Government expresses, once more, its known desire that these matters be definitively settled and, animated by such purpose, it accedes, at once, to the request which you make in the note under acknowledgment, and agrees that the period for the filing of claims before the Commissioners of both countries shall be extended to July 31st of this year, and, from this latter date to November 30th next, there be established a period for the deciding of the amount to cover the claims presented.

I avail myself of this opportunity to renew to you the assurances of my very courteous and distinguished consideration.

EDUARDO HAY

PIERRE DE L. BOAL, Esquire,  
*Chargé d'Affaires of the*  
*United States of America,*  
*City.*

# PROCLAMATIONS



# PROCLAMATIONS

## APALACHICOLA NATIONAL FOREST—FLORIDA

June 21, 1938

[No. 2289]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS certain lands adjacent to the Apalachicola National Forest, in the State of Florida, have been acquired, or are in process of acquisition, by the United States through the Farm Security Administration or its predecessors under authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

Apalachicola National Forest, Fla.  
Preamble.

48 Stat. 195; 49 Stat. 115.

WHEREAS it appears that the said lands are suitable for national forest purposes and that it would be in the public interest to reserve such lands as part of the said Apalachicola National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), the said National Industrial Recovery Act, and the said Emergency Relief Appropriation Act of 1935, do proclaim that there are hereby reserved and set apart as an addition to the Apalachicola National Forest all lands which have been acquired or which are in course of acquisition by the United States through the Farm Security Administration or its predecessors within the area shown on the diagram attached and made a part hereof under authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935.

Lands reserved as  
addition to.

26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.  
48 Stat. 195; 49 Stat. 115.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 21<sup>st</sup> day of June in the year of our Lord nineteen hundred and thirty-eight, and of the  
[SEAL] Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

# ENLARGING THE DINOSAUR NATIONAL MONUMENT—COLORADO AND UTAH

July 14, 1938  
[No. 2290]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Dinosaur National  
Monument, Colo.  
and Utah.  
Preamble.  
89 Stat. 1752.

WHEREAS certain public lands contiguous to the Dinosaur National Monument, established by Proclamation of October 4, 1915, have situated thereon various objects of historic and scientific interest; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the said Dinosaur National Monument:

Lands reserved as  
addition to.

34 Stat. 225.  
16 U. S. C. § 431.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by sec. 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Colorado and Utah are hereby reserved from all forms of appropriation under the public-land laws and added to and made a part of the Dinosaur National Monument:

Description.

### COLORADO

#### *Sixth Principal Meridian*

- T. 6 N., R. 99 W., sec. 5,  $W\frac{1}{2}$ ,  
secs. 6 and 7,  
sec. 8,  $W\frac{1}{2}$ ,  
sec. 17,  $W\frac{1}{2}$ ,  
secs. 18 and 19,  
sec. 20,  $W\frac{1}{2}$ ,  
sec. 29,  $W\frac{1}{2}$ ,  
secs. 30 and 31,  
sec. 32,  $W\frac{1}{2}$ ; (partly unsurveyed)
- T. 6 N., R. 100 W., secs. 1 to 30 and 33 to 36, inclusive;
- T. 6 N., R. 101 W., secs. 1 to 30, inclusive; (partly unsurveyed)
- T. 7 N., R. 101 W., secs. 25 to 36, inclusive; “ “
- T. 6 N., R. 102 W., secs. 1 to 30, inclusive; “ “
- T. 7 N., R. 102 W., secs. 5 to 8, 17 to 20, and 25 to 36, inclusive;  
(partly unsurveyed)
- T. 8 N., R. 102 W., secs. 5 to 8, 17 to 20, and 27 to 34, inclusive;  
(partly unsurveyed)
- T. 9 N., R. 102 W., secs. 16 to 21, and 28 to 33, inclusive; (partly unsurveyed)
- T. 6 N., R. 103 W., secs. 1 to 14, inclusive;  
secs. 23 and 24;
- T. 7 N., R. 103 W., all; (partly unsurveyed)
- T. 8 N., R. 103 W., sec. 1,  
sec. 2,  $E\frac{1}{2}$ ,  
sec. 11,  $E\frac{1}{2}$ ,  
secs. 12 to 15, 22 to 28, and 32 to 36, inclusive;  
(partly unsurveyed)
- T. 9 N., R. 103 W., secs. 13, 24, 25 and 36;
- T. 6 N., R. 104 W., secs. 1, 2, 11 and 12; (partly unsurveyed)
- T. 7 N., R. 104 W., all;



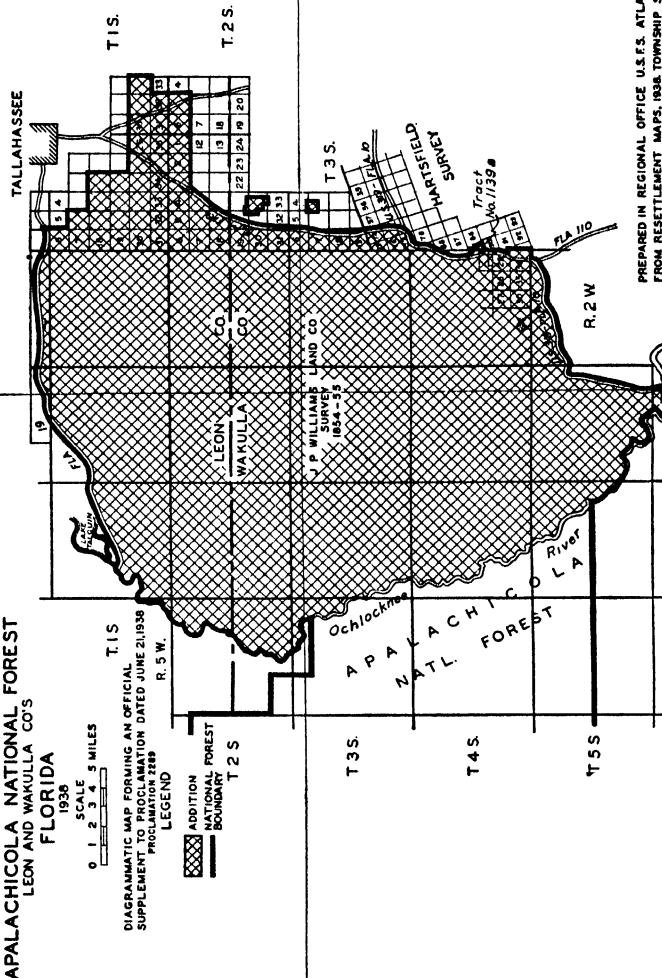
U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
F.A. SILCOX, CHIEF  
T.W. MORCROSS, CHIEF DIV. OF ENGINEERING

ADDITION TO  
**APALACHICOLA NATIONAL FOREST**  
LEON AND WAKULLA CO'S  
FLORIDA  
1936

SCALE  
0 1 2 3 4 5 MILES

DIAGRAMMATIC MAP FORMING AN OFFICIAL  
SUPPLEMENT TO PROCLAMATION DATED JUNE 21, 1936  
PROGRAM NUMBER 1888  
R. 5 W.

LEGEND  
[Cross-hatched box] ADDITION  
[Solid line] NATIONAL FOREST  
[Dashed line] BOUNDARY  
T 2 S



PREPARED IN REGIONAL OFFICE U.S.F.S. ATLANTA, GA.  
FROM RESETTLEMENT MAPS, 183A TOWNSHIP SURVEYS  
MADE IN 1854-55 AND ACCEPTED BY STATE OF FLORIDA.  
PLATS ON FILE AT CAPITOL, TALLAHASSEE, FLORIDA.



## UTAH

*Salt Lake Meridian*

- T. 4 S., R. 23 E., secs. 9 to 16 and 21 to 25, inclusive;  
 sec. 26, N $\frac{1}{2}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$   
 secs. 27, 28, and those parts of secs. 34 and 35  
 north of Green River; (partly unsurveyed)
- T. 3 S., R. 24 E., secs. 25, 26, 35 and 36;
- T. 4 S., R. 24 E., secs. 1 to 3, and 7 to 30; inclusive, (partly unsurveyed)
- T. 3 S., R. 25 E., sec. 11, E $\frac{1}{2}$ ,  
 secs. 12 and 13,  
 sec. 14, E $\frac{1}{2}$ ,  
 secs. 20 to 36; inclusive, (partly unsurveyed)
- T. 4 S., R. 25 E., secs. 1 to 12, inclusive, (partly unsurveyed)
- aggregating 203,885 acres.

Warning is hereby expressly given to any unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby, the temporary withdrawal for classification and for other purposes made by Executive Order No. 5684 of August 12, 1931, and the Executive order of April 17, 1926, and the Executive order of September 8, 1933, creating Water Reserves No. 107 and No. 152.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2) and acts supplementary thereto or amendatory thereof, except that this reservation shall not affect the operation of the Federal Water Power Act of June 10, 1920 (41 Stat. 1063), as amended, and the administration of the monument shall be subject to the Reclamation Withdrawal of October 17, 1904, for the Brown's Park Reservoir Site in connection with the Green River project.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 14<sup>th</sup> day of July, in the year of our Lord nineteen hundred and thirty-eight, and of the  
 [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

Warning against unauthorized acts.

Former reservations superseded.

Supervision.

39 Stat. 535.  
 16 U. S. C. §§ 1, 2.

Operation of Federal Water Power Act not affected.  
 41 Stat. 1063.  
 16 U. S. C. §§ 791-823; Supp. IV, ch. 12.

## AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

July 16, 1938  
[No. 2291]

Amendatory regulations relating to migratory birds.  
Preamble.  
40 Stat. 755; 49 Stat. 1555.  
16 U. S. C. § 704; Supp. IV, § 704.  
50 Stat. 1844.

39 Stat. 1702.

50 Stat. 1311.

WHEREAS the Secretary of Agriculture, pursuant to section 3 of the Migratory Bird Treaty Act, approved July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, has adopted and submitted to me regulations amending certain of the regulations approved by Proclamation No. 2245 of July 30, 1937, which he has determined to be suitable amendments of such regulations permitting and governing hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, which amendatory regulations are as follows:

## AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF AGRICULTURE

Amendments adopted by Secretary of Agriculture.  
40 Stat. 755; 49 Stat. 1555.  
16 U. S. C. § 704; Supp. IV, § 704.

50 Stat. 1844.

Means for taking waterfowl; coot added.

50 Stat. 1846.

Pursuant to the authority and direction contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), I, H. A. Wallace, Secretary of Agriculture, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August sixteenth, nineteen hundred and sixteen, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February seventh, nineteen hundred and thirty-six, have determined when, to what extent, and by what means it is compatible with the terms of said Conventions and Act to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby adopt the following amendments of the Regulations relating to migratory birds and certain game mammals, approved and proclaimed July 30, 1937 (50 Stat. 1844), as suitable amendments of said regulations, permitting and governing hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation and importation of said migratory birds and parts, nests, and eggs thereof:

The second paragraph of Regulation 3, "Means by Which Migratory Game Birds May be Taken", is amended by striking out the period at the end thereof and adding the words "and coot."

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

## Regulation 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Time prescribed.  
Waterfowl; exceptions.

Waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, and swans), and coot, may be taken each day from 7 a. m. to 4 p. m., and rails and gallinules (other than coot), Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and

band-tailed pigeons from 7 a. m. to sunset, each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or Territory, or in the District of Columbia during the period constituting the open season where taken and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State or Territory, or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding grounds, or refuge except insofar as may be permitted by the Secretary of Agriculture under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl, Wilson's snipe or jacksnipe, and coot.—The open seasons for waterfowl (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, Ross's goose, wood duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, New Hampshire, North Dakota, South Dakota, Vermont, and Wisconsin, October 1 to November 14.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, and Wyoming, October 15 to November 28.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 15 to December 29.

In Alaska north of the summit of the Alaska Range and Kuskokwim-Bristol Bay Divide, September 1 to October 15; south of the Alaska Range and Kuskokwim-Bristol Bay Divide and east of the Naknek River and Lake and Katmai National Monument to the 141st Meridian, September 16 to October 30; southeastern Alaska from the 141st Meridian south to Dixon Entrance, October 1 to November 14; and south and west of Naknek River and Lake and Katmai National Monument to the tip of the Alaskan Peninsula, including all adjacent islands in the Public Domain and Kodiak Island, November 1 to December 15; *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Connecticut, Massachusetts, and Rhode Island, from September 15 to October 14, and thereafter from land or water during the open seasons for other waterfowl in said States.

Rails and gallinules (except coot).—The open season for rails and gallinules (except coot), shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.

Louisiana, November 1 to January 31.

New York including Long Island, October 15 to November 28.

Washington, and Massachusetts, October 1 to November 30.

Wisconsin, October 1 to November 14.

District of Columbia, no open season.

#### Restriction.

45 Stat. 1222.  
16 U. S. C. §§ 715-  
715d; Supp. IV, §§  
715d-1-715d-2.

Waterfowl, Wilson's  
snipe or jacksnipe, and  
coot.

*Provided*.  
Taking of scoters.

Rails and gallinules  
(except coot).

## Woodcock.

Woodcock.—The open seasons for woodcock shall be as follows, both dates inclusive:

That portion of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston and Albany Railroad extending from Albany to the Massachusetts State line, and in Michigan, Minnesota, New Hampshire, North Dakota, Pennsylvania, and Vermont, October 1 to October 31.

That portion of New York lying south of the line above described and in Delaware, Indiana, Iowa, New Jersey, Ohio, and West Virginia, October 15 to November 14.

That portion of New York known as Long Island, November 1 to November 30.

Arkansas, Kentucky, Maryland, Oklahoma, and Virginia, November 15 to December 15.

Connecticut, and Rhode Island, October 21 to November 20.

Louisiana, January 1 to January 31.

Maine, October 10 to November 9.

Massachusetts, October 20 to November 19.

Missouri, November 10 to December 10.

Wisconsin, October 17 to October 31.

## Mourning doves.

Mourning doves.—The open seasons for mourning doves shall be as follows, both dates inclusive:

*Alabama*, in the counties of Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Clay, Randolph, and all counties north thereof; *Georgia*, in the counties of Troup, Merriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, Burke, and all counties north thereof; *Mississippi*, north of U. S. Highway 80; and *South Carolina*, in the counties of Aiken, Edgefield, McCormick, Greenwood, Abbeville, Anderson, Oconee, Pickens, Greenville, Laurens, Spartanburg, Cherokee, Union, Fairfield, Chester, and York, September 1 to September 30 and December 20 to January 31.

Alabama, Georgia, and South Carolina, in the counties other than those aforesaid, and Mississippi south of U. S. Highway 80, November 20 to January 31.

Arizona, Arkansas, California, Idaho, Kansas, Minnesota, Missouri, Nevada, New Mexico, Oklahoma, Tennessee, and Virginia, September 1 to November 15.

Delaware, and Maryland, September 1 to September 30 and November 15 to December 31.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That portion of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Illinois, September 1 to September 30.

Kentucky, September 1 to October 31.

Louisiana, October 15 to December 31.

North Carolina, September 1 to September 30 and December 20 to January 31.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt, and all counties north thereof, and in the counties of Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, and Franklin, September 1 to October 31; in the remainder of the State, September 15 to November 15.

## White-winged doves.

White-winged doves.—The open season for white-winged doves shall be as follows, both dates inclusive:

Arizona, August 1 to September 15.

Texas, in the counties of Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt, and all counties north thereof, and in the counties of Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, and Franklin, September 1 to October 31; in the remainder of the State, September 15 to November 15.

Band-tailed pigeons.—The open seasons for band-tailed pigeons shall be as follows, both dates inclusive:

Band-tailed pigeons.

Arizona, and Oregon, October 16 to October 30.

California, December 1 to December 15.

New Mexico, October 1 to October 15.

Washington, September 16 to September 30.

Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds", is amended to read as follows:

50 Stat. 1849.

#### REGULATION 5.—DAILY BAG AND POSSESSION LIMITS ON CERTAIN MIGRATORY GAME BIRDS

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

Daily bag limits.  
50 Stat. 1846.

Ducks (except wood duck).—Ten in the aggregate of all kinds, of which not more than 3 of any one, or more than 3 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy; and any person at any one time may possess not more than 20 ducks in the aggregate of all kinds, of which not more than 6 of any one, or more than 6 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy.

Ducks (except wood duck).

Geese and brant (except snow geese and brant in Florida and all States north thereof bordering on the Atlantic Ocean, and Ross's goose).—Five in the aggregate of all kinds, and any person at any one time may possess not more than 10 in the aggregate of all kinds.

Geese and brant; exceptions.

Rails and gallinules (except sora and coot).—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

Rails and gallinules (except sora and coot).

Sora.—Fifteen, and any person at any one time may possess not more than 15.

Sora.

Coot.—Twenty-five, and any person at any one time may possess not more than 25.

Coot.

Wilson's snipe or jacksnipe.—Fifteen, and any person at any one time may possess not more than 15.

Wilson's snipe or jacksnipe.

Woodcock.—Four, and any person at any one time may possess not more than 4.

Woodcock.

Mourning doves and white-winged doves.—Fifteen in the aggregate of both kinds, and any person at any one time may possess not more than 15 in the aggregate of both kinds.

Mourning doves and white-winged doves.

Band-tailed pigeons.—Ten, and any person at any one time may possess not more than 10.

Band-tailed pigeons.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, Wilson's snipe or jacksnipe, woodcock, mourning doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country, and brought into the United States, as to those taken in the United States.

Application to fowls taken in Canada, Mexico, etc., and brought into U. S.

50 Stat. 1949.

Regulation 6, "Shipment, Transportation, and Possession of Certain Migratory Game Birds", is amended to read as follows:

**Regulation 6.—SHIPMENT, TRANSPORTATION, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS**

Shipment, transportation, and possession restrictions.  
*Ante*, p. 2466.

Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in or out of the State where taken during the respective open seasons in that State, and when legally taken in and exported from Canada or Mexico, and if from Mexico are accompanied by a Mexican export permit, may be transported into the United States during the open season in the Province, State, or District where killed, but not more than the number thereof permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, and brant, shall be transported by any one person in 1 calendar week out of the State where taken or from Canada or Mexico into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where taken, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State or Territory, or the District of Columbia, to or through another State or Territory, or the District of Columbia, or to or through Canada or Mexico contrary to the laws of the State or Territory, or the District of Columbia in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State or Territory, or the District of Columbia, from another State or Territory, or the District of Columbia, or from Canada or Mexico, or from any State or Territory, or the District of Columbia into any Province of the Dominion of Canada or into Mexico at a time when any such State, Territory, District, or Province, or Mexico, into which they are transported, prohibits the possession or transportation thereof.

\* Importations other than from Canada and Mexico.

Migratory game birds imported from countries other than Canada and Mexico.—Migratory game birds of a species for which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported to any State or Territory during the open season prescribed by said regulation 4 for such State or Territory for that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Territory, or District for an additional period of 10 days immediately succeeding such open season, in numbers by any one person in 1 calendar week not exceeding those permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, and brant, if transportation and possession of such birds is not prohibited by such State, Territory, or District and if transported in packages marked as hereinbefore provided in this regulation.



Paragraph numbered 2 of Regulation 8, "Permits to Propagate Waterfowl", is amended by striking out the word "retail" before the words "dealer in meat or game."

Permits to propagate waterfowl.  
50 Stat. 1851.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States Department of Agriculture to be affixed.

DONE at the City of Washington this 12<sup>th</sup> day of July, 1938

[SEAL]

(Signed) H A WALLACE  
*Secretary of Agriculture*

AND WHEREAS upon consideration it appears that approval of the foregoing amendatory regulations will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendatory regulations.

Approval and proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16<sup>th</sup> day of July, in the year of our Lord nineteen hundred and thirty-eight, and of the

[SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## FORT LARAMIE NATIONAL MONUMENT—WYOMING

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

July 16, 1938  
[No. 2202]

WHEREAS The Historical Landmark Commission of Wyoming has donated to the United States in trust certain lands with the structures thereon comprising the abandoned Fort Laramie, for the purpose of improving, preserving, and conducting such lands and structures as a public historical site; and

Fort Laramie National Monument,  
Wyo  
Preamble.

WHEREAS the lands and structures are of great historic interest and constitute a historic landmark; and

WHEREAS it appears that it would be in the public interest to reserve such lands and structures as a national monument, to be known as the Fort Laramie National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that the following-described lands in Wyoming are hereby reserved and set apart as the Fort Laramie National Monument:

Establishment proclaimed.  
34 Stat. 225.  
16 U. S. C. § 431.

Commencing at the corner common to Sections 20, 21, 28 and 29 in Township 26 North, Range 64 West of the Sixth Principal Meridian, Wyoming, thence due West 1320 feet, the POINT OF BEGINNING; thence due North 1320 feet to a point; thence due East 1725 feet to a point; thence due South parallel to section

Description.

lines between Sections 20 and 21 and Sections 29 and 28, 3960 feet to a point; thence due West 3045 feet to a point; thence due North 1320 feet to a point; thence due East 355 feet to a point on the easterly right-of-way line of the county road; thence North 26 degrees 39 minutes east 685.4 feet to a point on the said easterly right-of-way line of the county road; thence North 28 degrees 55' East 808.1 feet to a point on the said easterly right-of-way line and on the section line common to Sections 20 and 29; thence due east 266.9 feet along said section line between sections 20 and 29 to the point of beginning excepting, however, the land occupied by the county road which traverses the northwest corner of the southwest quarter of the northeast quarter of said Section 29, containing in all 214.41 acres, more or less.

Warning against unauthorized acts.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument, and not to locate or settle upon any of the lands thereof.

Supervision.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16<sup>th</sup> day of July in the year of our Lord nineteen hundred and thirty-eight, and [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## OCALA NATIONAL FOREST—FLORIDA

BY THE PRESIDENT OF THE UNITED STATE OF AMERICA

### A PROCLAMATION

Ocala National Forest, Fla.  
Preamble.

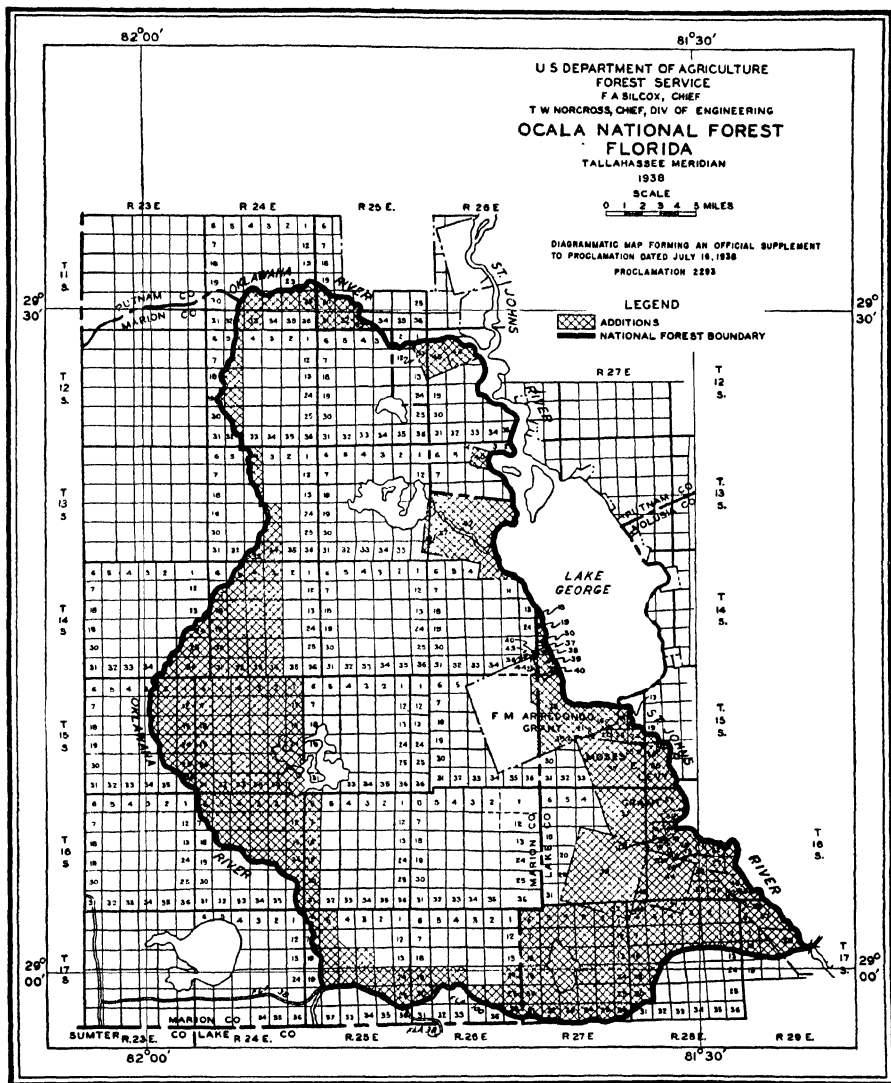
36 Stat. 961; 43 Stat. 653.  
16 U. S. C. §§ 516, 515.

Lands reserved as part of.

26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.  
36 Stat. 963.  
16 U. S. C. § 521.

WHEREAS it appears that it would be in the public interest to include within and reserve as part of the Ocala National Forest, in the State of Florida, certain forest lands which have been or may be acquired under the authority of the act of Congress approved March 1, 1911, 36 Stat. 961 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), and certain intermingled public lands:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103 (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and section 11 of the act of March 1, 1911, 36 Stat. 963 (U. S. C., title 16, sec. 521), do proclaim that there are hereby included in and reserved as part of the Ocala National Forest, in the State of Florida, all lands of the United States within the areas





shown on the diagram attached hereto and made a part hereof, and that all lands therein which may hereafter be acquired by the United States under the said act of March 1, 1911, as amended by the said act of June 7, 1924, shall upon their acquisition be reserved and administered as part of the said national forest.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than for classification under Executive Order No. 6964 of February 5, 1935, as amended, be subject to, and shall not interfere with or defeat, legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

Prior rights not affected; condition.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 16<sup>th</sup> day of July in the year of our Lord nineteen hundred and thirty-eight, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

# CHATTAHOOCHEE NATIONAL FOREST—GEORGIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 2, 1938  
[No. 2294]

## A PROCLAMATION

WHEREAS certain lands adjacent to the Chattahoochee National Forest, in the State of Georgia, have been acquired or are in process of acquisition by the United States through the Farm Security Administration or its predecessors under authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

Chattahoochee National Forest, Ga.  
Preamble.

48 Stat. 195; 49 Stat. 115.

WHEREAS it appears that said lands are primarily suitable for national forest purposes and that it would be in the public interest to reserve them as part of the said Chattahoochee National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, ch. 2, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), the said National Industrial Recovery Act, and the said Emergency Relief Appropriation Act of 1935, do proclaim (1) that all lands within the hereinafter described boundaries which have been acquired by the United States through the Farm Security Administration or its predecessors under the authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 are hereby added to and made a part of the said Chattahoochee National Forest, and (2) that all lands within the said boundaries which are in process of acquisition by the United States through the Farm Security Administration under the authority of the said National Industrial Recovery

Lands reserved as addition to.

26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.  
48 Stat. 195; 49 Stat. 115.

Act and the said Emergency Relief Appropriation Act of 1935 shall upon the acquisition of title thereto be added to and made a part of said forest:

Description.

Beginning at the junction of Chattooga River and Tullulah River with Tugaloo River and identical with a point in the Chattahoochee National Forest boundary at Tugaloo Lake, thence down the west bank of Tugaloo River to the Southern R. R.; thence with said Southern R. R. southwesterly to the city limits of Toccoa, Georgia; thence northerly, westerly and southerly with said city limits to its intersection with U. S. Highway No. 53; thence southwesterly with said U. S. Highway No. 53 to Boydville; thence southerly with the road past the old Mize Post Office site to the Stephens-Franklin County line near the Sunshine M. E. Church; thence westerly and southwesterly with said county line to its junction with Banks County (known as the Hickory Corner) at Tate Creek Church; thence with the Line Bridge Road to Andersons Store; thence westerly with a road to U. S. Highway No. 55 at Hollingsworth; thence northerly with said U. S. Highway No. 55 to the city limits of Baldwin; thence easterly and northerly with said city limits of Baldwin to U. S. Highway No. 53, thence northerly with said highway to the city limits of Cornelia; thence easterly and northerly with the city limits of Cornelia to U. S. Highway No. 53; thence northeasterly with said U. S. Highway No. 53, through the town of Mount Airy to the line between land Lots 11 and 14 in the 12th Land District; thence northwesterly with the west line of land Lots 14 and 15 to the northwest corner of land Lot 15; thence northeasterly with the north line of Lots 15, 34, 46, 65, 80 and 99 to State Highway No. 115; thence northwesterly with State Highway No. 115 to its intersection with the line between land Lots No. 49 and 50 in the 12th Land District; thence southwesterly with said line between Lots 49 and 50, 30 and 31 to the south corner of Lot 30; thence northwesterly with the line between Lots 19 and 30, 20 and 29, 21 and 28 to the intersection with the Tallulah Falls R. R.; thence northeasterly with said Tallulah Falls R. R. to the southwest line of Lot No. 176 in the 12th Land District; thence northwesterly with said southwest line of Lot No. 176 and continuing with the southwest line of Lots 120, 121, 122 and 123 in the 13th Land District to the boundary of the Chattahoochee National Forest; thence easterly with the Chattahoochee National Forest boundary as now located to the point of beginning.

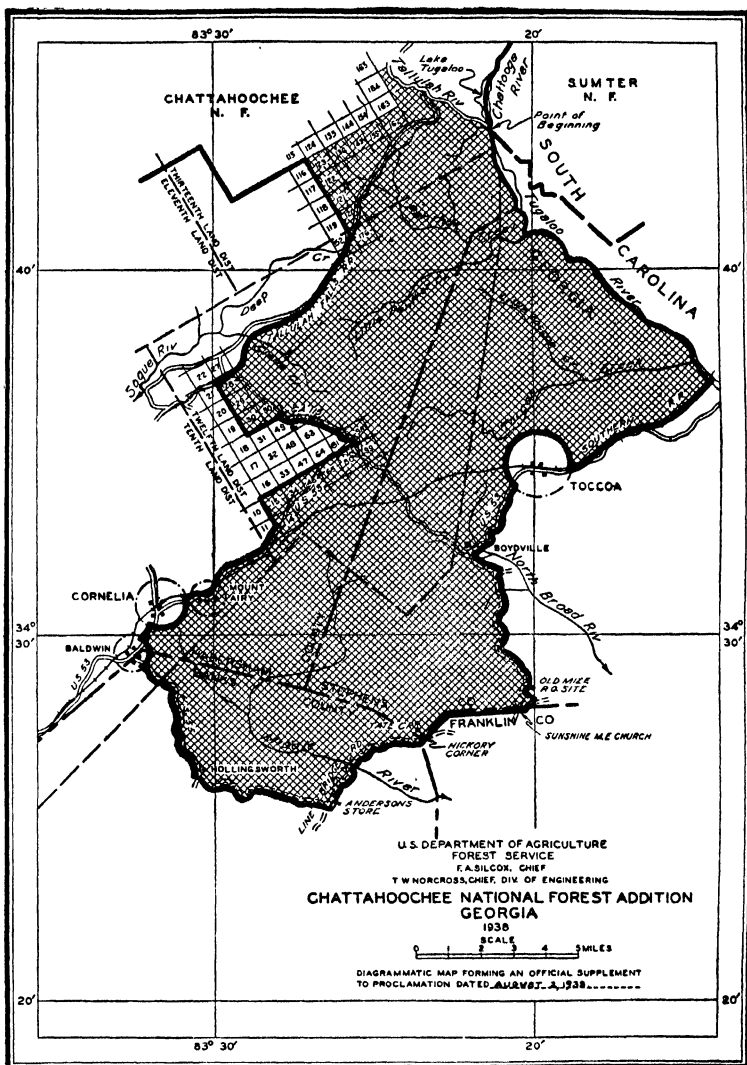
The boundaries of the Chattahoochee National Forest addition described herein are graphically shown on the diagram attached hereto and made a part hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 2nd day of August, in the year of our Lord Nineteen hundred and thirty-eight and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*







# MODIFYING THE WHITE SANDS NATIONAL MONUMENT NEW MEXICO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 29, 1938  
[No. 2295]

## A PROCLAMATION

WHEREAS it appears that certain sections of the right-of-way for United States Highway Route 70 are included within the White Sands National Monument in the State of New Mexico, established by Proclamation No. 2025 of January 18, 1933, and enlarged by Proclamation No. 2108 of November 28, 1934; and

White Sands National Monument, N. Mex.  
Preamble.  
47 Stat. 2551.  
49 Stat. 3426.

WHEREAS it appears that it would be in the public interest to exclude from the said monument such sections of the said right-of-way:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that the White Sands National Monument in the State of New Mexico is hereby modified by eliminating therefrom all sections now included therein of the right-of-way for United States Highway Route 70.

Modification.

34 Stat. 225.  
16 U. S. C. § 431.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29 day of August in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

The President:

CORDELL HULL

*The Secretary of State.*

## OUACHITA NATIONAL FOREST—ARKANSAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 30, 1938  
[No. 2296]

## A PROCLAMATION

WHEREAS certain lands in the State of Arkansas which have been acquired or are in process of acquisition by the United States through the Farm Security Administration under authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), together with certain adjoining public lands, are adjacent to the Ouachita National Forest; and

Ouachita National Forest, Ark.  
Preamble.

48 Stat. 195; 49 Stat. 115.

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to reserve and include them as part of the said Ouachita National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), the said National Industrial Recovery Act, the said Emergency Relief Ap-

Lands reserved as part of

26 Stat. 1103.  
16 U. S. C. § 471.

30 Stat. 36.  
16 U. S. C. § 473.

48 Stat. 195; 49 Stat.  
115.  
50 Stat. 526.  
7 U. S. C., Supp. IV,  
§ 1011 (a).

appropriation Act of 1935, and section 32 (c) of the act of July 22, 1937, 50 Stat. 526, do proclaim (1) that all lands of the United States within the areas shown as additions on the diagram attached hereto and made a part hereof are hereby included in and reserved as a part of the Ouachita National Forest, and (2) that all lands within such areas which are in process of acquisition by the United States through the Farm Security Administration under the authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 shall upon the acquisition of title thereto be reserved and administered as part of the said Forest.

Prior rights not af-  
fected.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than for classification under Executive Order No. 6964 of February 5, 1935, as amended, be subject to, and shall not interfere with or defeat, legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

Revocation of Exec-  
utive Order No. 7662.

Executive Order No. 7662 of July 17, 1937, withdrawing certain public lands in Arkansas for the use of the Department of Agriculture, is hereby revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 30<sup>th</sup> day of August in the year of our Lord nineteen hundred and thirty-eight, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## GENERAL PULASKI MEMORIAL DAY

August 31, 1938  
[No. 2297]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

General Pulaski  
Memorial Day.  
Preamble.

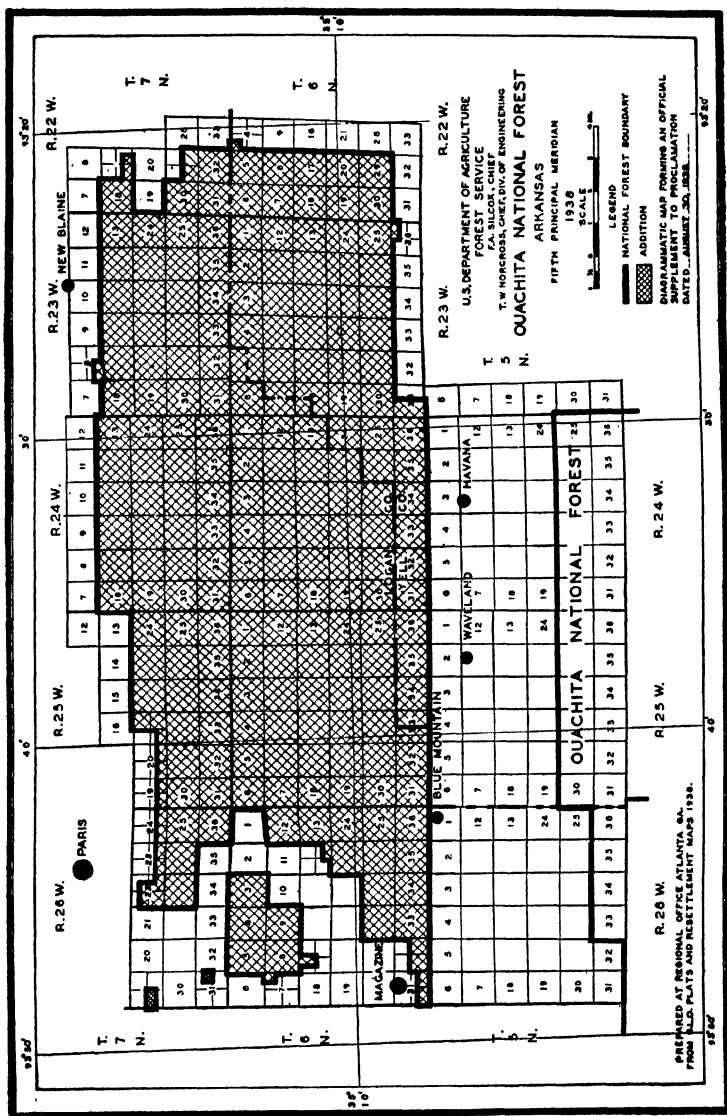
WHEREAS it is entirely fitting and proper that we should, from time to time, recall with gratitude the invaluable succor accorded this nation in its infancy by lovers of freedom who, though born beyond the seas, flocked to the standard of Washington and contributed substantially to the triumph of the American cause, each according to his abilities; and

WHEREAS we are proud to number General Casimir Pulaski, a valiant son of Poland, in the ranks of those whose deeds are part of the imperishable record of American independence; and

Statutory provision.  
52 Stat. 610.

WHEREAS the Seventy-fifth Congress, by Public Resolution 102, approved on June 1, 1938, provided:

"That the President of the United States is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1938, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski."





NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do direct that the flag be displayed upon all Government buildings on October 11, 1938, as a mark of respect to the memory of General Casimir Pulaski, and do hereby invite the people of the United States to observe that day as General Pulaski Memorial Day and to participate with appropriate ceremonies in schools and churches or other suitable places in the solemn commemoration of General Pulaski's death on October 11, one hundred and fifty-nine years ago.

Observance of anniversary of death invited.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31<sup>st</sup> day of August, in the year of our Lord nineteen hundred and thirty-eight, and [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

#### GOLD STAR MOTHER'S DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 10, 1938  
[No. 2298]

#### A PROCLAMATION

WHEREAS the preamble to Public Resolution 123, 74th Congress, approved June 23, 1936, recites:

Gold Star Mother's Day.  
Preamble.  
49 Stat. 1895.  
36 U. S. C., Supp. IV,  
§§ 147, 148.

"Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

"Whereas we honor ourselves and the mothers of America when we revere and give emphasis to the home as the fountain-head of the state; and

"Whereas the American mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

"Whereas the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in the World War;"

AND WHEREAS the said Public Resolution 123 provides:

"That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers.

"SEC. 2. That the last Sunday in September shall hereafter be designated and known as 'Gold Star Mother's Day', and it shall be the duty of the President to request its observance as provided for in this resolution."

Sunday, September 25, 1938, designated as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid public resolution, do by this proclamation designate Sunday, September 25, 1938, as Gold Star Mother's Day and direct Government officials to display the United States flag on all Government buildings, and do call upon the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places on that day as a public expression of the affection and reverence of the people of the United States for the American Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of September, in the year of our Lord nineteen hundred and thirty-eight,  
[SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

#### FIRE PREVENTION WEEK—1938

September 19, 1938  
[No. 2299]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Fire Prevention  
Week, 1938.  
Preamble.

WHEREAS the many preventable fires which occur each year in the United States cause loss of life or serious injury to thousands of persons; and

WHEREAS hundreds of millions of dollars' worth of property is destroyed annually by fires in this country; and

WHEREAS the great number of fires occurring in homes in the United States emphasizes the urgent need for impressing upon every citizen the fullest realization of individual responsibility for bringing about the curtailment of losses of life and property resulting from fires;

Week beginning Oc-  
tober 9, 1938, desig-  
nated as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and designate the week beginning October 9, 1938, as Fire Prevention Week, and I urge upon all the people of the nation that they cooperate in the movement to emphasize the disastrous consequences of preventable fires to the end that more effective precautionary measures may be taken to eliminate fire hazards, and thus to safeguard human life and prevent the needless waste of property.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of September, in the year of our Lord nineteen hundred and thirty-eight,  
[SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

EXCLUDING CERTAIN LANDS FROM THE COCONINO NATIONAL FOREST  
AND ADDING THEM TO THE WALNUT CANYON NATIONAL MONU-  
MENT—ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 24, 1938  
[No. 2300]

A PROCLAMATION

WHEREAS the hereinafter-described lands comprising a part of the Coconino National Forest, in the State of Arizona, are adjacent to the Walnut Canyon National Monument, established by proclamation dated November 30, 1915; and

Coconino National  
Forest, Ariz.  
Preamble.  
39 Stat. 1791.

WHEREAS such lands have situated thereon various objects of historic and scientific interest, and are also required for the proper care and management of the objects of historic and scientific interest now being protected by the said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in the State of Arizona are hereby excluded from the said Coconino National Forest and are hereby added to and made a part of the said Walnut Canyon National Monument:

Certain lands ex-  
cluded from, added to  
Walnut Canyon Na-  
tional Monument.  
30 Stat. 36.  
16 U. S. C. § 473.  
34 Stat. 225.  
16 U. S. C. § 431.

*Gila and Salt River Meridian—Arizona*

T. 21 N., R. 8 E., sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , lot 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
sec. 36, NE $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Description.

T. 21 N., R. 9 E., sec. 31, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and lots  
1 to 5, inclusive, containing 913.16 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Warning against un-  
authorized acts.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

DONE at the City of Washington this 24<sup>th</sup> day of September in  
the year of our Lord nineteen hundred and thirty-eight,  
[SEAL] and of the Independence of the United States of America  
the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

**EMERGENCY BOARD, ATCHISON, TOPEKA & SANTA FE RAILWAY AND  
OTHER CARRIERS—EMPLOYEES**

September 27, 1938  
[No. 2301]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

**A PROCLAMATION**

Labor disputes of  
designated carriers  
and certain of their  
employees.  
Preamble.

WHEREAS the President, having been duly notified by the National Mediation Board that a dispute between the carriers listed in the attached exhibits and certain of their employees as they are represented by the following labor organizations, as specified in exhibits A, B, and C:

Brotherhood of Locomotive Engineers  
Brotherhood of Locomotive Firemen and Enginemen  
Order of Railway Conductors  
Switchmen's Union of North America  
The Order of Railroad Telegraphers  
International Association of Machinists  
International Brotherhood of Boilermakers, Iron Ship Builders  
and Helpers of America  
International Brotherhood of Blacksmiths, Drop Forgers and  
Helpers  
Sheet Metal Workers' International Association  
International Brotherhood of Electrical Workers  
Brotherhood Railway Carmen of America  
International Brotherhood of Firemen and Oilers, Helpers,  
Roundhouse and Railway Shop Laborers  
Brotherhood of Railway and Steamship Clerks, Freight Handlers,  
Express and Station Employees  
Brotherhood of Maintenance of Way Employees  
Brotherhood of Railroad Signalmen of America  
National Organization Masters, Mates and Pilots of America  
National Marine Engineers' Beneficial Association  
International Longshoremen's Association

and certain other employees as they are represented by the Brotherhood of Railroad Trainmen, as specified in exhibits D, E, and F, which dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended, now threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service;

Creation of emer-  
gency board to inves-  
tigate and report  
thereon.  
44 Stat. 596.  
45 U. S. C. § 160.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by section 10 of the Railway Labor Act, as amended, do hereby create a board to be composed of 3 persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned dispute and report its findings to me within 30 days from this date.

Compensation.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars (\$75.00) for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public, No. 212, 72d Congress, approved June 30, 1932, 11:30 a. m., not to exceed five dollars (\$5.00) per diem for expenses incurred for subsistence.

Expenditures.

47 Stat. 405.  
5 U. S. C. § 823.



All expenditures of the Board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, 1939" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27<sup>th</sup> day of September in the year of our Lord one thousand nine hundred and thirty-

[SEAL] eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President

CORDELL HULL

*Secretary of State*

Fund available.  
52 Stat. 422.









For the Carriers:  
E. J. McCLEES

For the Organizations:  
H. J. ARRIES  
B. M. JEWELL  
A. E. LYON

EXHIBIT B

EASTERN TERRITORY

LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE EIGHTEEN COOPERATING ORGANIZATIONS AS INDICATED BY "X".

(Authority is co-extensive with the scope of Agreements as to classes of Employees)

ORGANIZATIONS

- 1—Brotherhood of Locomotive Engineers

2—Brotherhood of Locomotive Firemen & Enginemen

3—Order of Railway Conductors

4—Switchmen's Union of North America

5—Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees

6—Brotherhood of Maintenance of Way Employees

7—International Association of Machinists
- 8—International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America

9—International Brotherhood of Blacksmiths, Drop Forgers and Helpers

10—Sheet Metal Workers' International Association

11—Brotherhood of Electrical Workers

12—Brotherhood Railway Carmen of America
- 13—International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers

14—Brotherhood of Railroad Signalmen of America

15—Brotherhood of Telegraphers

16—National Union of Marine Engineers, Masters & Pilots of America

17—National Marine Engineers' Beneficial Association

18—International Longshoremen's Association

	Brotherhood of Locomotive Engineers	Brotherhood of Locomotive Firemen & Enginemen	Order of Railway Conductors	Switchmen's Union of North America	Clerical and Station Forces (BoRy & SCSCFH&SE)	Maintenance of Way Employees (BoMoWE)	RAILWAY EMPLOYEES' DEPARTMENT—AMERICAN FEDERATION OF LABOR						MARINE DEPARTMENT EMPLOYEES				Miscellaneous (IL Assn.)				
							Machinists (IAoLM)	Boilermakers (BoB&H-oIam)	Blacksmiths (BoB&D&F&H)	Sheet Metal Workers (SMW Assn.)	Electrical Workers (BoE&V)	Carmen (BRCoIam.)	Firemen & Oilers etc. (BoF&OHR&SL)	Signalmen (BoH&SoIam)	Telegraphers (CoLRT)	Lighter Captains (IL Assn.)	Deck Room Personnel	Engine Room Personnel			
(1)		(2)	(3)	(4)	(5)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)
Akron & Barberton Belt Railroad Company, The						X															
T Akron, Canton & Youngstown Railway Company, The	X	(L)	X	(L)	X	X	X	X	X	X	X	X	X								



## EASTERN TERRITORY—Continued

LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE EIGHTEEN COOPERATING ORGANIZATIONS AS INDICATED BY "X"—Continued

Railroads, Etc.	(1)	(2)	Brotherhood of Locomotive Engineers	Brotherhood of Locomotive Firemen & Enginemen	Order of Railway Conductors	Switchmen's Union of North America	Clerical and Station Forces (B of Ry & SSCFFHSB)	Maintenance of Way Employees (BoMofWk)	RAILWAY EMPLOYEES' DEPARTMENT—AMERICAN FEDERATION OF LABOR						MARINE DEPARTMENT EMPLOYEES				(22)									
									(6)	Machinists (IAOM)	Boilermakers (IBoBIS&H of Am.)	Blacksmiths (IBoBDF&H)	Sheet Metal Workers (SMWI Assn.)	Electrical Workers (IBoEW)	Carmen (BRCofAm.)	Firemen & Oilers etc. (IBoF FOM&HSL)	Signalmen (BoRSofAm.)	Telegraphers (CoRT)		Deck Room Personnel		Engine Room Personnel						
																				(18)	(19)	(20)	(21)					
										(6)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)					
NEW YORK CENTRAL RAILROAD COMPANY, THE, AND ALL LEASED LINES																			X									
New York Central—Buffalo & Albany		X	X	X	X	X	X	X										X	X									
New York Central—West of Buffalo		(1)X	(1)X	X	X	X	X	X										X	X									
New York Central—Ohio Central Lines		X	X	X	X	X	X	X										X	X									
New York Central—Grand Central Terminal		X	X	X	X	X	X	X										X	X									
Boston & Albany Railroad		X	X	X	X	X	X	X										X	X									
Cleveland, Cincinnati, Chicago & St. Louis Railway Company		X	X	X	X	X	X	X										X	X									
Cincinnati, Louisville & Jeffersonville Bridge & Railroad		X	X	X	X	X	X	X										X	X									
Cleveland Union Terminals Company, The							X	X										X	X									
Chicago River & Indiana Railroad Company (Chgo. & Ind. R.R. Co.)		X	X			X	X	X										X	X									
Indiana Harbor Belt Railroad Company, The		X	X			X	X	X										X	X									
Michigan Central Railroad Company, The		X	X	X		X	X	X										X	X									
Pittsburgh & Lake Erie Railroad Company, The (Incl. L. & E. R.R.)		X	X	X	X	X	X	X										X	X									
Troy Union Railroad Company		X	X	X	X	X	X	X										X	X									





# EXHIBIT C SOUTHEASTERN TERRITORY

LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE EIGHTEEN COOPERATING ORGANIZATIONS AS INDICATED BY "X".

(Authority is co-extensive with the scope of Agreements as to classes of Employees).

(1)	RAILWAY EMPLOYEES DEPARTMENT— AMERICAN FEDERATION OF LABOR													(16)	(17)	(18)	(19)	(20)
	Engineers (BoLE)	Firemen (BoLF & R)	Conductors (CoRC)	Switchmen (SuCo)	Telegraphers (TelHT)	Machinists (MaM)	Boiler-makers (BoB)	Blacksmiths (BlB & H)	Sheet Metal Workers (SMW)	Electrical Workers (ElW)	Carpenters (CarCoA)	Firemen and Oilers (BoF & O)	Clerks (BoC & S)	Maintenance of Way (BoM & W)	Signalmen (BoS)	Masters, Mate and Piles (MoM & P)	Marine Engineers (MEBA)	Longshoremen (LLA)
Railroads, etc.																		
(1)																		
Atlantic Coast Line.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Atlanta & West Point-Western Ry. of Alabama.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Atlanta Joint Terminals.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Birmingham Southern.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
(R) Central of Georgia.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Charleston & Western Carolina.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Cincinnati & Ohio.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Cincinnati & Portsmouth.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Columbus & Greenville.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
(R) Florida East Coast.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Georgia.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Gulf Mobile & Northern.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Jacksonville Terminal.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Knoxville Terminal.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Lebanon & Nashville.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Nashville Chattanooga & St. Louis.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
(R) Norfolk Southern.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Norfolk & Portsmouth Belt.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Norfolk & Western.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Richmond Fredericksburg & Potomac.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Savannah Union Station.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
(R) Southern Railway.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Alabama Great Southern.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Belt Railway Company of Chattanooga.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Cincinnati Burnside & Cumberland River.....	X	X	X		X	X	X	X	X	X	X		X	X		X		
Cincinnati New Orleans & Texas Pacific.....	X	X	X		X	X	X	X	X	X	X		X	X		X		



## EXHIBIT D

## WESTERN TERRITORY

LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE BROTHERHOOD OF RAILROAD TRAINMEN.

(Authority is co-extensive with the scope of Agreements as to classes of employees)

Alameda Belt Line  
 Alton & Southern RR  
 Alton RR  
 Atchison, Topeka & Santa Fe Ry  
     Gulf, Colorado & Santa Fe Ry  
     Panhandle & Santa Fe Ry  
 Baltimore & Ohio Chicago Terminal RR  
 Belt Ry Co of Chicago  
 Burlington-Rock Island RR  
 Butte, Anaconda & Pacific Ry  
 Camas Prairie RR  
 (T) Chicago & Eastern Illinois Ry  
 (T) Chicago & North Western Ry  
     Chicago & Western Indiana RR  
     Chicago, Burlington & Quincy RR (1)  
 (T) Chicago Great Western RR (2)  
 (T) Chicago, Milwaukee, St. Paul & Pacific RR (1)  
 (T) Chicago, Terre Haute & Southeastern Ry (1)  
 (T) Chicago, Rock Island & Pacific Ry (1)  
 (T) Chicago, Rock Island & Gulf Ry (1)  
     Chicago, St. Paul, Minneapolis & Omaha Ry (11)  
     Colorado & Southern Ry  
     Colorado & Wyoming Ry  
 (T) Denver & Rio Grande Western RR (1) (3)  
     Denver & Salt Lake Ry  
     Des Moines Union Ry  
     Duluth, Missabe & Iron Range RR  
     Duluth, Winnipeg & Pacific Ry  
     East St. Louis Junction RR  
     Elgin, Joliet & Eastern Ry  
     Fort Worth & Denver City Ry  
     Wichita Valley Ry  
     Galveston, Houston & Henderson RR  
     Great Northern Ry (1)  
     Green Bay & Western RR  
     Kewaunee, Green Bay & Western RR  
     Ahnapee and Western Ry  
     Gulf Coast Lines  
 (T) New Orleans, Texas & Mexico Ry (1) (4)  
 (T) Beaumont, Sour Lake & Western Ry (4)  
 (T) Orange & Northwestern RR  
 (T) St. Louis, Brownsville & Mexico Ry (5) (6)  
 (T) Houston & Brazos Valley Ry  
 (T) San Antonio, Uvalde & Gulf RR  
 (T) Sugar Land Ry  
 (T) Asherton & Gulf Ry  
 (T) San Antonio Southern Ry  
 (T) Asphalt Belt Ry  
 (T) Houston North Shore Ry  
 (T) International-Great Northern RR (1) (3)

## WESTERN TERRITORY—Continued

## LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE BROTHERHOOD OF RAILROAD TRAINMEN—Continued

- Houston Belt & Terminal Ry
- Illinois Central RR (1)
  - Yazoo & Mississippi Valley RR (Including A&V-VS&P)
  - Gulf and Ship Island RR
  - Chicago & Illinois Western RR
- Kansas City Southern Ry
- Arkansas Western Ry
- Kansas City Terminal Ry
- Litchfield & Madison Ry
- Los Angeles Junction Ry
- Midland Valley RR
  - Kansas, Oklahoma & Gulf Ry
- (T) Minneapolis, Northfield and Southern Ry
- (T) Minneapolis, St. Paul & Sault Ste. Marie Ry
- (T) Duluth, South Shore & Atlantic Ry
- (T) Mineral Range RR
- Minnesota & International Ry
  - Big Fork & International Falls Ry
- Missouri-Kansas-Texas RR (3)
  - Missouri-Kansas-Texas RR Co of Texas (3)
- (T) Missouri Pacific RR (1)
- (T) Missouri-Illinois RR
- Northern Pacific Ry (1)
  - Northern Pacific Terminal Co of Oregon
- Northwestern Pacific RR
- Ogden Union Ry & Depot Co
- Peoria & Pekin Union Ry
- Port Terminal Railroad Association
- Pueblo Union Depot & Railroad Co
- St. Joseph Terminal RR Co
- (T) St. Louis-San Francisco Ry (3)
  - St. Louis, San Francisco & Texas Ry (3)
  - Birmingham Belt RR (3)
- (T) St. Louis Southwestern Ry
- (T) St. Louis Southwestern Ry Co of Texas
- San Diego & Arizona Eastern Ry (7)
- South Omaha Terminal Ry
- Southern Pacific Co.—Pacific Lines (1) (8) (9)
- Spokane, Coeur d'Alene & Palouse Ry
- Spokane, Portland & Seattle Ry
  - Oregon Trunk Ry
  - Oregon Electric Ry
  - United Railways Co
- Spokane Union Station Co
- Terminal Railroad Association of St. Louis
- Texas & New Orleans RR (Sou. Pac. Lines in Texas and Louisiana)
  - Galveston, Harrisburg & San Antonio Ry
  - Texas & New Orleans RR (1) (10)
  - Louisiana Western RR
  - Morgan's Louisiana & Texas RR & SS Co
  - Iberia & Vermillion RR
  - Houston & Texas Central RR
  - Texas Midland RR
  - Galveston, Harrisburg & San Antonio Ry (Austin Division)
  - Houston East & West Texas Ry (7)
  - Houston & Shreveport RR (7)
- Texas & Pacific Ry (1)
  - Texas-New Mexico Ry
  - Abilene & Southern Ry
  - Cisco & Northeastern Ry
  - Weatherford, Mineral Wells & Northwestern Ry
  - Texas Short Line Ry

## WESTERN TERRITORY—Continued

## LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE BROTHERHOOD OF RAILROAD TRAINMEN—Continued

Texas Pacific-Missouri Pacific Terminal RR of New Orleans

Union Pacific RR (1)

Union Railway Company (Memphis) (3)

Union Terminal Co (Dallas)

Union Terminal Ry Co (St. Joseph)

(R) Wabash Ry

(T) Western Pacific RR (1)

## NOTES:

(1)—Includes Dining Car Stewards.

(2)—Includes Yardmen, South St. Paul Terminal.

(3)—Includes Yardmasters (Except General Yardmasters on D&amp;RGW RR)

(4)—White Trainmen and Yardmen only.

(5)—Dining Car Stewards only.

(6)—White Engine Foremen only.

(7)—Yardmen only.

(8)—Includes former EP&amp;SW System.

(9)—Includes Train Gatemen (Electric Lines).

(10)—Includes Bus and Truck Drivers, New Orleans Terminal.

(11)—Does not include Dining Car Stewards.

(R)—In Receivership; (T)—In Trusteeship;—Subject to Approval of Court.

September 1, 1938.

For the Carriers:  
S. H. SCHNEIDER  
R. F. W.

For the Organization:  
W. G. CANTLEY

## EXHIBIT E

## EASTERN TERRITORY

LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE BROTHERHOOD OF RAILROAD TRAINMEN.

(Authority is co-extensive with the scope of Agreements as to classes of employees)

- Akron & Barberton Belt Railroad Company, The
- (T) Akron, Canton & Youngstown Railway Company, The
- (R) Ann Arbor Railroad Company, The
- Baltimore & Ohio Railroad Company, The (a)
- Bessemer & Lake Erie Railroad Company
- Boston & Maine Railroad (b)
- Bush Terminal Company
- Canadian National Railway Lines in New England
  - Champlain & St. Lawrence Railroad Company
  - St. Clair Tunnel Company
  - United States & Canada Railroad Company
- Central Railroad Company of New Jersey, The
- Central Vermont Railway, Inc.
- (T) Chicago, Indianapolis & Louisville Railway Company
- Cincinnati Union Terminal Company
- Chicago Union Station Company
- Delaware, Lackawanna & Western Railroad Co., The (g)
- Detroit & Toledo Shore Line Railroad Company, The
- Detroit, Toledo & Ironton Railroad Company
- Donora Southern Railroad Company
- (T) Erie Railroad Company
  - Chicago and Erie Railroad Company
  - New Jersey and New York Railroad, The
- (T) New York, Susquehanna & Western Railroad Company
- (T) Wilkes-Barre & Eastern Railroad Company
- Grand Trunk Western Railroad Company (a)
- Indianapolis Union Railway Company, The
- Lake Terminal Railroad Company, The
- Lehigh Valley Railroad Company (c)
- Lehigh & New England Railroad Company
- Maine Central Railroad Company (b)
- Portland Terminal Company (b)
- McKeesport Connecting Railroad Company
- Monongahela Railway Company, The
- NEW YORK CENTRAL RAILROAD COMPANY, THE, AND ALL LEASED LINES:
  - New York Central—Buffalo & East (g)
  - New York Central—West of Buffalo (g)
  - New York Central—Ohio Central Lines (b) (g)
  - Boston & Albany Railroad (a)
  - Cleveland, Cincinnati, Chicago & St. Louis Railway Company (g)
  - Louisville & Jeffersonville Bridge & Railroad
  - Chicago River & Indiana Railroad Company (Chicago Junction Railway Co.)
  - Indiana Harbor Belt Railroad Company, The (d)
  - Michigan Central Railroad Company, The (g)
  - Pittsburgh & Lake Erie Railroad Company, The (incl. L. E. & E.)
  - Newburgh & South Shore Railway Company, The
  - New York, Chicago & St. Louis Railroad Company, The
  - (T) New York, New Haven & Hartford Railroad Company, The
  - New York Connecting Railroad Company, The

## EASTERN TERRITORY—Continued

## LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE BROTHERHOOD OF RAILROAD TRAINMEN—Continued

- (T) New York, Ontario & Western Railway Company  
 Pennsylvania Railroad Company, The (a)  
     Long Island Railroad Company, The (e)  
     Baltimore & Eastern Railroad Company  
     Pennsylvania-Reading Seashore Lines  
     Pere Marquette Railway Company  
     Pittsburg & Shawmut Railroad Company, The  
 (R) Pittsburg, Shawmut & Northern Railroad Company, The  
     Pittsburgh & West Virginia Railway Company, The  
     Pittsburgh, Chartiers & Youghiogheny Railway  
     Reading Company (f)  
     River Terminal Railway Company  
     Staten Island Rapid Transit Railway Company, The  
     Union Freight Railroad (Boston)  
     Washington Terminal Company, The  
     Wheeling & Lake Erie Railroad Company, The (incl. L. & W. Va.)

## NOTES:

- (a)—Includes Dining Car Stewards.  
 (b)—Includes Yardmasters.  
 (c)—Includes Car Riders Perth Amboy Coal Docks, and Dining Car Stewards.  
 (d)—Includes Train Directors, Levermen, Towermen and related classes represented by the Brotherhood of Railroad Trainmen, for which no agreement has been negotiated as yet.  
 (e)—Includes Guards.  
 (f)—Includes Car Droppers Port Reading Terminal, N. J., and Yardmasters.  
 (g)—Does not include Dining Car Stewards.  
 (R)—In Receivership; (T)—In Trusteeship—Subject to Approval of Court.

September 1, 1938.

For the carriers:	For the Organization:
E. J. McCLEES	W. G. CANTLEY



## EXHIBIT F

## SOUTHEASTERN TERRITORY

## LIST OF RAILROADS, ETC., AS REPRESENTED BY THE CARRIERS' JOINT CONFERENCE COMMITTEE, AND THEIR EMPLOYEES REPRESENTED BY THE BROTHERHOOD OF RAILROAD TRAINMEN.

(Authority is co-extensive with the scope of Agreements as to classes of employees)

- Atlantic Coast Line (a)
- Atlanta & West Point-Western Ry. of Alabama
- Atlanta Joint Terminals
- Birmingham Southern
- (R) Central of Georgia
- Charleston & Western Carolina
- Chesapeake & Ohio (b)
- Clinchfield
- Columbus & Greenville
- (R) Florida East Coast
- Georgia
- Gulf Mobile & Northern (c)
- Kentucky & Indiana Terminal
- Louisville & Nashville (a)
- Nashville Chattanooga & St Louis (a)
- (R) Norfolk Southern
- Norfolk & Portsmouth Belt
- Norfolk & Western
- Richmond Fredericksburg & Potomac
- (R) Seaboard Air Line (f)
- Southern Railway (a)
  - Alabama Great Southern (e)
  - Cincinnati Burnside & Cumberland River
  - Cincinnati New Orleans & Texas Pacific
  - Georgia Southern & Florida
  - Harriman & Northeastern
  - New Orleans & Northeastern
  - New Orleans Terminal
  - Northern Alabama
  - St Johns River Terminal
  - Woodstock & Blocton
- Tennessee Central
- Virginian

## NOTES:

- (a)—Includes Dining Car Stewards.
- (b)—Includes Hocking Division.
- (c)—Includes N. O. & G. N.
- (d)—Includes East St. Louis Terminal
- (e)—Includes Belt Railway of Chattanooga.
- (f) Does not include dining car stewards
- (R)—In Receivership;—Subject to Approval of Court.

September 1, 1938.

For the carriers,  
T. F. PURCELL

For the Organization,  
W. G. CANTLEY

## NICOLET NATIONAL FOREST—WISCONSIN

October 14, 1938

[No. 2802]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Nicolet National  
Forest, Wis.  
Preamble.  
52 Stat. 1532.

48 Stat. 195; 49 Stat.  
115.

WHEREAS by Proclamation No. 2269 of January 17, 1938, there were included in and reserved as part of the Nicolet National Forest, in the State of Wisconsin, certain lands which had been acquired by the United States through the Farm Security Administration or its predecessors under authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

WHEREAS it appears that within the exterior boundaries of the said Nicolet National Forest, there are situated certain other lands which have been acquired since the date of the said Proclamation No. 2269 of January 17, 1938, or are in process of acquisition, under authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935; and

50 Stat. 525, 527.  
7 U. S. C., Supp.  
IV, §§ 1010-1013, 1014-  
1020.

WHEREAS by Executive Order No. 7908 of June 9, 1938, all the right, title, and interest of the United States in such lands, acquired or in process of acquisition, were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof; and immediately upon acquisition of legal title to those lands now in process of acquisition, the said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that all of such lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as part of the said Nicolet National Forest:

Lands reserved as  
addition to

26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.  
50 Stat. 525.  
7 U. S. C., Supp.  
IV, §§ 1010-1013.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and Title III of the said Bankhead-Jones Farm Tenant Act, do proclaim (1) that all lands within the exterior boundaries of the said Nicolet National Forest which have been acquired by the United States since the date of the said Proclamation No. 2269 of January 17, 1938, under the authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935, are hereby included in and reserved as part of the Nicolet National Forest, and (2) that all lands within the said boundaries which are in process of acquisition by the United States under the authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 shall upon the acquisition of title thereto be added to and made a part of the said forest.

• IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 14<sup>th</sup> day of October in the year of our Lord nineteen hundred and thirty-eight, and  
[SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## CHEQUAMEGON NATIONAL FOREST—WISCONSIN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 14, 1938

[No. 2808]

## A PROCLAMATION

WHEREAS by Proclamation No. 2271 of January 17, 1938, there were included in and reserved as part of the Chequamegon National Forest, in the State of Wisconsin, certain lands which had been acquired by the United States through the Farm Security Administration or its predecessors under authority of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

Chequamegon National Forest, Wis.  
Preamble.  
52 Stat. 1533.

48 Stat. 195; 49 Stat. 115.

WHEREAS it appears that within the exterior boundaries of the said Chequamegon National Forest, there are situated certain other lands which have been acquired since the date of the said Proclamation No. 2271 of January 17, 1938, or are in process of acquisition, under authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935; and

WHEREAS by Executive Order No. 7908 of June 9, 1938, all the right, title, and interest of the United States in such lands, acquired or in process of acquisition, were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof; and immediately upon acquisition of legal title to those lands now in process of acquisition, the said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

50 Stat. 525, 527.  
7 U. S. C., Supp. IV, §§ 1010-1013, 1014-1029.

WHEREAS it appears that all of such lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as part of the said Chequamegon National Forest:

Lands reserved as addition to.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and Title III of the said Bankhead-Jones Farm Tenant Act, do proclaim (1) that all lands within the exterior boundaries of the said Chequamegon National Forest which have been acquired by the United States since the date of the said Proclamation No. 2271 of January 17, 1938, under the authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935, are hereby included in and reserved as part of the Chequamegon National Forest, and (2) that all lands within the said boundaries which are in process of acquisition by the United States under authority of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 shall upon the acquisition of title thereto be added to and made a part of the said forest.

26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.  
50 Stat. 525.  
7 U. S. C., Supp. IV, §§ 1010-1013.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 14<sup>th</sup> day of October in the year of our Lord nineteen hundred and thirty-eight, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## HURON NATIONAL FOREST—MICHIGAN

October 14, 1938  
[No. 2304]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Huron National  
Forest, Mich.  
Preamble.  
52 Stat. 1532.

WHEREAS by Proclamation No. 2270 of January 17, 1938, there were included in and reserved as part of the Huron National Forest, in the State of Michigan, certain lands which had been acquired by the United States through the Farm Security Administration or its predecessors under authority of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

49 Stat. 115.

WHEREAS it appears that within the exterior boundaries of the said Huron National Forest, there are situated certain other lands which have been acquired since the date of the said Proclamation No. 2270 of January 17, 1938, or are in process of acquisition, under authority of the said Emergency Relief Appropriation Act of 1935; and

50 Stat. 525, 527.  
7 U. S. C., Supp. IV,  
§§ 1010-1013, 1014-1029.

WHEREAS by Executive Order No. 7908 of June 9, 1938, all the right, title, and interest of the United States in such lands, acquired or in process of acquisition, were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof; and immediately upon acquisition of legal title to those lands now in process of acquisition, the said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that all of such lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as part of the said Huron National Forest:

Lands reserved as  
addition to.

26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.  
50 Stat. 525.  
7 U. S. C., Supp.  
IV, §§ 1010-1013.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and Title III of the said Bankhead-Jones Farm Tenant Act, do proclaim (1) that all lands within the exterior boundaries of the said Huron National Forest which have been acquired by the United States since the date of the said Proclamation No. 2270 of January 17, 1938, under the authority of the said Emergency Relief Appropriation Act of 1935, are hereby included in and reserved as part of the Huron National Forest, and (2) that all lands within the said boundaries which are in process of acquisition by the United States under the authority of the said Emergency Relief Appropriation Act of 1935 shall upon the acquisition of title thereto be added to and made a part of the said forest.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 14<sup>th</sup> day of October in the year of our Lord nineteen hundred and thirty-eight, and  
[SEAL] of the Independence of the United States of America  
the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## ARMISTICE DAY—1938

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 25, 1938  
[No. 2206]

## A PROCLAMATION

WHEREAS the preamble to Senate Concurrent Resolution 18, Sixty-ninth Congress (44 Stat. 1982), passed June 4, 1926, recites that November 11, 1918 "marked the cessation of the most destructive, sanguinary, and far-reaching war in human annals and the resumption by the people of the United States of peaceful relations with other nations, which we hope may never again be severed;" and

Armistice Day.  
1938.  
Preamble.  
44 Stat. 1982.

WHEREAS the said concurrent resolution provides

"That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples"; and

WHEREAS by an act approved May 13, 1938 (Public No. 510, 75th Congress) the 11th day of November in each year is made a legal public holiday to be dedicated to the cause of world peace and to be celebrated and known as Armistice Day; and

52 Stat. 351.  
5 U. S. C., Supp.  
IV, § 87a.

WHEREAS it is especially fitting at this time of world unrest that November 11, 1938, the twentieth anniversary of the Armistice, should be observed with suitable ceremonies manifesting our belief that peace can be attained only by non-aggression, and can be made enduring only by respect for the rights of others and good will among the nations of the world.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby direct that on Armistice Day, November 11, 1938, the flag of the United States be displayed on all Government buildings, and I invite the observance of the day by the people of the United States with appropriate ceremonies in schools, churches, and other suitable places.

Display of flag directed; observance invited.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of October, in the year of our Lord nineteen hundred and thirty-eight, and  
[SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## MANISTEE NATIONAL FOREST—MICHIGAN

October 25, 1938  
[No. 2206]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Manistee National  
Forest, Mich.  
Preamble.

86 Stat. 962.  
16 U. S. C. § 516.  
43 Stat. 653.  
16 U. S. C. § 515.  
48 Stat. 22.  
16 U. S. C. § 585.  
48 Stat. 202.  
40 U. S. C. § 403.  
49 Stat. 115.

WHEREAS certain lands within the State of Michigan have been or may hereafter be acquired by the United States of America under authority of the act of March 1, 1911, c. 186, 36 Stat. 961, 962 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 202, U. S. C., title 40, sec. 403), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

WHEREAS it appears that it would be in the public interest to give such lands, together with certain intermingled public lands, a national-forest status:

Establishment.

26 Stat. 1108.  
16 U. S. C. § 471.  
86 Stat. 963.  
16 U. S. C. § 521.  
48 Stat. 22.  
16 U. S. C. § 585.  
48 Stat. 202.  
40 U. S. C. § 403.  
49 Stat. 118.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), by section 11 of the act of March 1, 1911, 36 Stat. 963 (U. S. C., title 16, sec. 521), the act of March 31, 1933, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 202, U. S. C., title 40, sec. 403), and section 5 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115, 118), do proclaim (1) that there are hereby reserved and set apart as the Manistee National Forest all lands of the United States within the area described hereinafter and shown on the diagram attached hereto and made a part hereof, and (2) that all lands within such area which may hereafter be acquired by the United States under the authority of the said acts of March 1, 1911, June 7, 1924, March 31, 1933, June 16, 1933, and April 8, 1935, shall upon acquisition of title thereto become, and be administered as, part of the said Manistee National Forest:

Description.

*Michigan Principal Meridian*

- T. 11 N., R. 15 W., secs. 3 to 10, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive.
- T. 12 N., R. 10 W., secs. 3 to 10, inclusive, and secs. 15 to 22, inclusive.
- T. 12 N., R. 11 W., secs. 1 to 24, inclusive, and secs. 29 to 32, inclusive.
- T. 12 N., R. 12 W., all.
- T. 12 N., R. 15 W., secs. 4 to 9, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive.
- T. 12 N., R. 16 W., all.
- T. 12 N., R. 17 W., secs. 1 to 5, inclusive, and secs. 8 to 17, inclusive.
- T. 13 N., R. 10 W., secs. 3 to 10, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive.
- Tps. 13 N., Rs. 11 and 12 W., all.
- T. 13 N., R. 13 W., secs. 1 to 3, inclusive, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.
- T. 13 N., R. 15 W., secs. 2 to 11, inclusive, secs. 14 to 23, inclusive, and secs. 26 to 34, inclusive.
- T. 13 N., R. 16 W., all.

- T. 13 N., R. 17 W., secs. 24 to 29, inclusive, and secs. 32 to 36, inclusive.
- T. 14 N., R. 10 W., secs. 5 to 8, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 34, inclusive.
- Tps. 14 N., Rs. 11, 12 and 13 W., all.
- T. 14 N., R. 14 W., secs. 1 to 7, inclusive, secs. 10 to 15, inclusive, and secs. 22 to 24, inclusive.
- T. 14 N., R. 15 W., secs. 1 to 22, inclusive, and secs. 27 to 34, inclusive.
- T. 14 N., R. 16 W., secs. 1 and 2, secs. 11 to 14, inclusive, secs. 23 to 26, inclusive, and secs. 35 and 36.
- T. 15 N., R. 10 W., secs. 18 and 19; and secs. 29 to 32, inclusive.
- Tps. 15 N., Rs. 11, 12, 13, 14 and 15 W., all.
- T. 15 N., R. 16 W., secs. 1 and 2; secs. 11 to 14, inclusive; secs. 23 to 26, inclusive, and secs. 35 and 36.
- T. 16 N., R. 11 W., secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 36, inclusive.
- Tps. 16 N., Rs. 12, 13, 14 and 15 W., all.
- T. 16 N., R. 16 W., secs. 1 to 4, inclusive, secs. 9 to 14, inclusive, N½ sec. 15, N½ sec. 16, secs. 23 to 26, inclusive, and secs. 35 and 36.
- T. 17 N., R. 11 W., secs. 5 to 8, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
- Tps. 17 N., Rs. 12, 13, 14 and 15 W., all.
- T. 17 N., R. 16 W., secs. 1 and 2; 11 to 14, inclusive, 23 to 26, inclusive, and secs. 33 to 36, inclusive.
- T. 18 N., R. 11 W., secs. 31 and 32.
- T. 18 N., R. 12 W., secs. 34 to 36, inclusive.
- T. 18 N., R. 13 W., secs. 3 to 10, inclusive; W½ sec. 15; secs. 16 to 21, inclusive; W½ sec. 22; W½ sec. 27; secs. 28 to 33, inclusive; and W½ sec. 34.
- T. 18 N., R. 14 W., all.
- T. 18 N., R. 15 W., secs. 1 to 4, inclusive, secs. 7 to 36, inclusive.
- T. 18 N., R. 16 W., sec. 36.
- T. 19 N., R. 13 W., secs. 3 to 10, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive.
- T. 19 N., R. 14 W., all.
- T. 19 N., R. 15 W., secs. 1 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive.
- T. 19 N., R. 16 W., secs. 1 and 2.
- T. 20 N., R. 11 W., secs. 1 to 23, inclusive, and secs. 28 to 30, inclusive.
- T. 20 N., R. 12 W., secs. 1 to 6, inclusive.
- T. 20 N., R. 13 W., secs. 1 to 10, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive.
- Tps. 20 N., Rs. 14 and 15 W., all.
- T. 20 N., R. 16 W., secs. 1 to 18, inclusive, secs. 23 to 26, inclusive, and secs. 35 and 36.
- T. 20 N., R. 17 W., secs. 1 to 23, inclusive, N½ sec. 26; secs. 27 to 33, inclusive, and W½ sec. 34.
- T. 20 N., R. 18 W., all that part East of Lake Michigan.
- T. 21 N., R. 10 W., secs. 2 to 11, inclusive, secs. 14 to 23, inclusive, and secs. 26 to 35, inclusive.
- Tps. 21 N., Rs. 11, 12, 13, 14 and 15 W., all.
- T. 21 N., R. 16 W., sec. 1; sec. 2 except lot 2; sec. 3 except lots 1, 2 and 4; sec. 4 except lot 3; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.

- Tps. 22 N., Rs. 10, 11, 12 and 13 W., all.  
 T. 22 N., R. 14 W., secs. 1 to 5, inclusive, secs. 8 to 17, inclusive, secs. 19 to 36, inclusive.  
 T. 22 N., R. 15 W., secs. 19 to 36, inclusive.  
 T. 22 N., R. 16 W., lots 5, 6 and 7, and S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 25; lots 5 and 6 sec. 33; lot 4 sec. 34; lot 6 sec. 35; lots 1, 3 and 5, E $\frac{1}{2}$ SW $\frac{1}{4}$  and E $\frac{1}{2}$  sec. 36.  
 T. 23 N., R. 10 W., secs. 19 to 36, inclusive.  
 T. 23 N., R. 11 W., secs. 19 to 36, inclusive.  
 T. 23 N., R. 12 W., secs. 19 to 36, inclusive.  
 T. 23 N., R. 13 W., secs. 13 and 14, secs. 23 to 26, inclusive, and secs. 31 to 36, inclusive.

Prior rights, etc.,  
 not affected.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of October in the year of our Lord nineteen hundred and thirty-eight, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:  
 CORDELL HULL  
*Secretary of State.*

# ACKIA BATTLEGROUND NATIONAL MONUMENT—MISSISSIPPI

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS section 2 of the act of Congress entitled "An Act to provide for the commemoration of the two hundredth anniversary of the Battle of Ackia, Mississippi, and the establishment of the Ackia Battleground National Monument, and for other purposes", approved August 27, 1935 (49 Stat. 897), provides:

"That the Secretary of the Interior be, and he is hereby, authorized in his discretion to acquire, by purchase or by condemnation and/or accept by donation in behalf of the United States, such lands, easements, and buildings not to exceed fifty acres, and when title satisfactory to the Secretary of the Interior shall have been vested in the United States such area or areas shall be, upon proclamation of the President, established, dedicated, and set apart as a public monument for the benefit and enjoyment of the people and shall be known as the 'Ackia Battleground National Monument:' *Provided*, That such area shall include the site of the Battle of Ackia";

AND WHEREAS the Secretary of the Interior has caused title to certain lands in the State of Mississippi, aggregating 49.15 acres and including the site of the Battle of Ackia, to be vested in the United States of America:

October 25, 1938  
 [No. 2307]

Ackia Battleground  
 National Monument,  
 Miss.  
 Preamble.

49 Stat. 897.  
 16 U. S. C., Supp.  
 IV, §§ 450r.



U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
E. A. JILGREN CHIEF  
**MANISTEE NATIONAL FOREST**  
**MICHIGAN**  
MICHIGAN MERIDIAN  
1938

SCALE  
0 10 20 30 40 50 60 70 80 90 100

— NATIONAL FOREST BOUNDARY

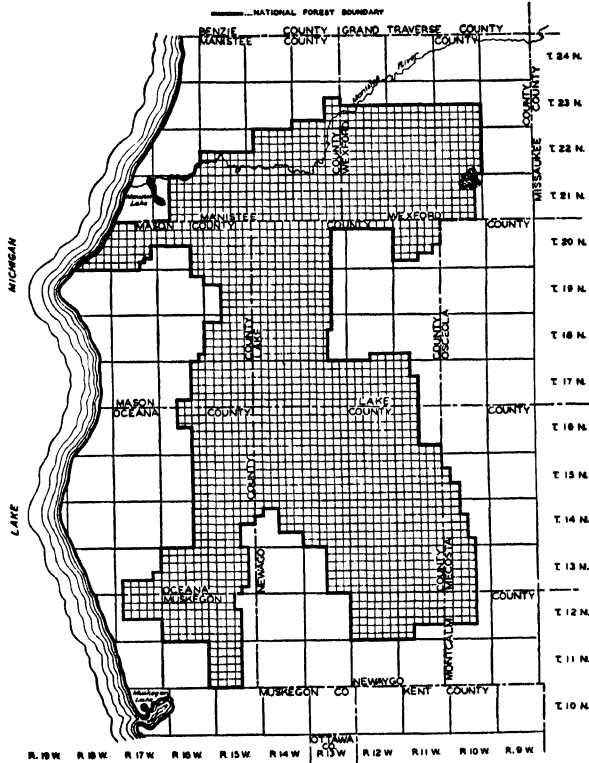


DIAGRAM FORMING PROCLAMATION DATED OCT. 25, 1938

2404-1



NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of and pursuant to the power in me vested by the said act of August 27, 1935, do proclaim that the following-described lands in Lee County, State of Mississippi, are hereby established, dedicated, and set apart, subject to an easement of the Tennessee Valley Authority in and to an established electric transmission line, as the Ackia Battleground National Monument:

Establishment.

Easement of Tennessee Valley Authority.

Beginning at a point which lies north 41 degrees 03 minutes east 138.53 feet from the quarter section corner between sections 23 and 26, T. 9 S., R. 5 E., of the Chickasaw Meridian; thence north 80 degrees 03 minutes east 1166.0 feet to a point; thence south 55 degrees 10 minutes east 300.94 feet to a point; thence south 55 degrees 12 minutes east 479.8 feet to a point; thence south 29 degrees 45 minutes west 695.31 feet to a point; thence south 60 degrees 21 minutes west 933.6 feet to a point; thence north 64 degrees 26 minutes west 1236.0 feet to a point; thence north 31 degrees 49 minutes east 912.75 feet to the place of beginning, containing 49.15 acres of land and being parts of sections 23 and 26 T. 9 S., R. 5 E., of the Chickasaw Meridian, County of Lee, State of Mississippi.

Description.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

Warning against unauthorized acts.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of October in the year of our Lord nineteen hundred and thirty-eight, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## OUACHITA NATIONAL WILDLIFE PRESERVE—ARKANSAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 29, 1938  
[No. 2306]

## A PROCLAMATION

WHEREAS by proclamation of March 8, 1935 (49 Stat. 3439), certain lands of the United States within the Ouachita National Forest, Arkansas, were designated as the "Muddy Creek Refuge"; and

Ouachita National Wildlife Preserve, Ark.  
Preamble.  
49 Stat. 3439.

WHEREAS it appears that it would be in the public interest to enlarge the said refuge, and to change the name thereof to "Ouachita National Wildlife Preserve":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority

Area enlarged.

48 Stat. 128.  
16 U. S. C. § 693.

vested in me by the act of June 13, 1933, 48 Stat. 128 (U. S. C., title 16, sec. 693), and upon recommendation of the Secretary of Agriculture, do proclaim that the said Muddy Creek Refuge is hereby enlarged so that it shall include and be composed of the area within the following-described boundaries, and that such refuge shall hereafter be known as the "Ouachita National Wildlife Preserve":

**Designation.**

**Description.**

Beginning at a point on the south line of Sec. 25, T. 2 N., R. 27 W., 5th P. M., where the east line of the right-of-way of Highway No. 28 intersects this section line approximately 30 chains west of the southeast corner of said section 25; thence in a northeasterly direction, following the east line of the right-of-way of Highway No. 28, approximately a third of a mile, to its intersection with Hurricane Ridge Road, which branches off to the east; thence in a northeasterly direction, following the south line of right-of-way of Hurricane Ridge Road, approximately five miles, to its intersection with the east line of SW $\frac{1}{4}$ SW $\frac{1}{4}$ , section 12, T. 2 N., R. 26 W.; thence south to the south line of said section 12 and continuing south 5 chains into section 13, T. 2 N., R. 26 W.; thence east 20 chains; thence north 5 chains to the north line of said section 13; thence east along this section line 20 chains; thence north approximately 23 chains to the south line of the right-of-way of Little Texas Road; thence northeasterly, following the south line of said right-of-way approximately five miles to its intersection with West Gafford Creek near the east line of section 2, T. 2 N., R. 25 W.; thence following up west bank of West Gafford Creek in a southerly direction approximately 2 miles to a branch entering West Gafford Creek from the east in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , section 13, T. 2 N., R. 25 W.; thence in an easterly direction, following the south bank of said branch approximately 2 $\frac{1}{2}$  miles to its source and continuing approximately  $\frac{1}{4}$  mile to the hydrographic divide between West Gafford Creek and Gafford Creek in the SE $\frac{1}{4}$  of section 8, T. 2 N., R. 24 W.; thence in a southwesterly direction approximately 4 miles along the top of said divide to the section line between sections 35 and 36, T. 2 N., R. 25 W.; thence south approximately  $\frac{1}{2}$  mile along said section line, to the southeast corner of section 35; thence continuing south on the section line between sections 1 and 2, T. 1 N., R. 25 W., to the SE corner of section 2; thence east approximately 2 $\frac{1}{2}$  miles along section lines between sections 1 and 12, T. 1 N., R. 25 W., and sections 6 and 7 and 5 and 8, T. 1 N., R. 24 W., to the first hydrographic divide east of Ritter Creek; thence in a southeasterly direction, following said divide, approximately  $\frac{1}{4}$  mile to the summit of Muddy Creek Mountain; thence following the divide of Muddy Creek Mountain in a northeasterly direction, to its summit at Lone Pine Lookout Tower in NW $\frac{1}{4}$ , section 2, T. 1 N., R. 24 W.; thence, in a southeasterly direction, along the first hydrographic divide north of Muddy Creek leading from Muddy Creek Mountain approximately 1 $\frac{1}{4}$  miles to the section line between sections 11 and 12, T. 1 N., R. 24 W.; thence south along said section line and the section line between sections 13 and 14, said township approximately one mile, to the hydrographic divide to the south of Muddy Creek; thence in a southwesterly direction along said divide, approximately 5 miles to the approximate center of section 32, T. 1 N., R. 24 W., where this divide intersects a divide running northwest and dividing Muddy Creek at the north from Wheat Creek to the south; thence following this divide in a northwesterly direction approximately one mile to the north and south quarter-section line of section 31, near its north quarter-section corner; thence in a south-

westerly direction, following a short ridge approximately  $\frac{1}{2}$  mile to the west line of section 31, T. 1 N., R. 24 W.; thence south, with the west line of section 31 to the SW corner of said section; thence west with the south lines of T. 1 N., R. 25 W., and T. 1 N., R. 26 W., to the SW corner of section 35, T. 1 N., R. 26 W.; thence north with the west line of section 35 to the hydrographic divide south of West Fiddler's Creek; thence in a westerly direction following the hydrographic divide south of West Fiddler's Creek, approximately  $2\frac{1}{2}$  miles to the junction of Forester Road and U. S. Highway No. 270 in the SW $\frac{1}{4}$ , section 4, T. 1 S., R. 26 W.; thence in a northerly direction, following the east line of the right-of-way of Forester Road approximately 7 miles to its junction with East Cedar Road in the NE $\frac{1}{4}$ , section 7, T. 1 N., R. 26 W.; thence in an easterly direction, following the south line of the right-of-way of East Cedar Road approximately  $\frac{1}{2}$  mile to its intersection with the east section line of said section 7; thence north along this section line to the NE corner of section 6; thence east 2.89 chains to the SW corner of section 32, T. 2 N., R. 26 W.; thence north to the NW corner of said section 32; thence west along the south section line of section 30, T. 2 N., R. 26 W., and the south section line of section 25, T. 2 N., R. 27 W., to the place of beginning; containing 78,000 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of October in the year of our Lord nineteen hundred and thirty-eight,  
[SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## MODIFICATION OF POSTAGE RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 31, 1938

[No. 2309]

## A PROCLAMATION

WHEREAS I find after survey that the interests of the public, in the promotion of the cultural growth, education, and development of the American people, require that the postage rates on books of the class hereinafter described be modified:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States, under and by virtue of the authority vested in me by section 2 of the act of June 16, 1933, 48 Stat. 254, as amended by section 515 of title III of the act of May 10, 1934, 48 Stat. 760, Public Resolution 36, approved June 28, 1935, 49 Stat. 431, and Public Resolution 48, approved June 29, 1937, 50 Stat. 358, do proclaim that the postage rate on books consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General shall prescribe, shall be for the period commencing November 1, 1938, and ending June 30, 1939, one and one-half cents a pound or fraction thereof, irrespective of the zone of destination.

Postage rates.  
Preamble.

Rates on books of the class described modified for designated period.  
48 Stat. 254, 760; 49 Stat. 431; 50 Stat. 358.  
39 U. S. C. § 280 (note); Supp. IV, § 280 (note).

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of October, in the year of our Lord nineteen hundred and thirty-eight and [SEAL] of the Independence of the United States of America the one-hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

#### THANKSGIVING DAY—1938

November 19, 1938  
[No. 2310]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Thanksgiving Day,  
1938.  
Thursday, Novem-  
ber 24, 1938, desig-  
nated as.

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate Thursday, the twenty-fourth of November, 1938, as a day of general thanksgiving.

Our Fathers set aside such a day as they hewed a nation from the primeval forest. The observance was consecrated when George Washington issued a Thanksgiving proclamation in the first year of his presidency. Abraham Lincoln set apart "a Day of Thanksgiving and Praise to our beneficent Father who dwelleth in the heavens".

Thus from our earliest recorded history, Americans have thanked God for their blessings. In our deepest natures, in our very souls, we, like all mankind since the earliest origin of mankind, turn to God in time of trouble and in time of happiness. "In God We Trust".

For the blessings which have been ours during the present year we have ample cause to be thankful.

Our lands have yielded a goodly harvest, and the toiler in shop and mill receives a more just return for his labor.

We have cherished and preserved our democracy.

We have lived in peace and understanding with our neighbors and have seen the world escape the impending disaster of a general war.

In the time of our fortune it is fitting that we offer prayers for unfortunate people in other lands who are in dire distress at this our Thanksgiving Season.

Let us remember them in our families and our churches when, on the day appointed, we offer our thanks to Almighty God. May we by our way of living merit the continuance of His goodness.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of November, in the year of our Lord nineteen hundred and thirty-eight, [SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

GEORGE WASHINGTON NATIONAL FOREST—VIRGINIA AND  
WEST VIRGINIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 28, 1938  
[No. 2311]

A PROCLAMATION

WHEREAS it appears to be in the public interest to redefine the boundaries of the George Washington National Forest in the States of Virginia and West Virginia, as designated by Proclamation No. 2167 of April 28, 1936 (49 Stat. 3513, 1 F. R. 297):

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and section 11 of the act of March 1, 1911, 36 Stat. 963 (U. S. C., title 16, sec. 521), do proclaim that there are hereby reserved and set apart as the George Washington National Forest all lands of the United States within the following-described boundaries as shown on the diagram attached hereto and made a part hereof:

George Washington  
National Forest, Va.  
and W. Va.  
Preamble.

49 Stat. 3513.

Boundaries re-  
defined.

26 Stat. 1103.

16 U. S. C. § 471.

30 Stat. 36.

16 U. S. C. § 473.

36 Stat. 963.

16 U. S. C. § 521.

*Shenandoah Unit*

Beginning at the intersection of U. S. Highway 60 with the Virginia-West Virginia State line; thence with said State line in a northeasterly and southeasterly direction approximately 85 miles to the intersection of said State line with Straight Fork approximately  $\frac{1}{4}$  of a mile north of the Village of Hardscrable, Va.; thence southwesterly leaving the State line and up Straight Fork to its headwaters; thence southwesterly, crossing the divide between Straight Fork and Back Creek to the headwaters of Back Creek; thence southwesterly down Back Creek approximately 16 miles to the intersection of said creek with the Highland-Bath County line, Va.; thence with said County line in a southeasterly direction to Cowpasture River; thence northeasterly with west bank of Cowpasture River passing corner 4 of the Bess E. Byrd tract 219 to the mouth of Carroll Draft; thence up Carroll Draft to Route 614; thence northerly with said Route to its intersection with the South Fork South Branch Potomac River; thence northeasterly approximately 22 miles with the South Fork South Branch Potomac River crossing the Va.-W. Va. State line to the mouth of Stony Run, a point approximately  $1\frac{1}{2}$  miles south of Fort Seybert, W. Va.; thence northeasterly on a straight line to the intersection of Route 3 with Route 14; thence northeasterly with Route 3 to the Pendleton-Hardy County line; thence southeasterly with said County line to the Va.-W. Va. State line; thence northeasterly and southeasterly with said State line to its intersection with Route 58 Hardy County, W. Va., which is Route 259, Rockingham Co., Va.; thence northeasterly on a straight line to corner 37 of the Shenandoah Lumber and Iron Company tract 1e; thence with the boundary of said tract reversed to corner 34; thence northeasterly on a straight line to corner 8 of the Union Tanning Co. tract 51; thence with the boundary of said tract reversed to corner 4; thence northeasterly on a straight line to corner 5 of the Union Tanning Co. tract 53; thence with the boundary of said tract reversed to corner 45 which is corner 18 of the Isaac Bowman tract 127; thence with said tract to corner 19 which is corner 27 of the Union Tanning Co. tract 53; thence with the boundary of said tract reversed to corner 24 which is also corner 24 of the Miller Heirs tract 30; thence with said tract to corner 25 which is corner 4 of

Shenandoah Unit.

the Jas. L. Garrett tract 52; thence with boundary of said tract reversed to a point in line of corners 3-2, said point being corner 7 of the Charles A. Garrett tract 198; thence with a line of said tract reversed to corner 6; thence northeasterly on a straight line to the intersection of Route 58 and Schoolhouse Run; thence southeasterly on a straight line to corner 7 of the Orndorff and Miley tract 454; thence northeasterly on a straight line to corner 3 of the Catherine Yard tract 132; thence northeasterly with the boundary of said tract to corner 5; thence northeasterly on a straight line to corner 14 of said tract 132; thence northeasterly on a straight line to corner 17 of said tract 132; thence northeasterly on a straight line to U. S. G. S. triangulation Station, Hommon; thence northeasterly on a straight line to a point where Three Springs Run empties into Lost River; thence down Lost River to a point where it crosses the Barney and Landacre tract 3b between corners 7 and 8 at 1.47 chains southwest of corner 8; thence northeasterly and southeasterly with said tract to a point where Lost River again crosses said tract between corners 8 and 9; thence with Lost River to its intersection with the Barney and Landacre tract 3a between corners 6 and 7; thence with the boundary of said tract reversed to corner 5 which is corner 6 of the B. F. Tharp tract 250c a point on the southwest bank of Lost River; thence with tract 250c to corner 7; thence leaving said tract and with Lost River to its intersection with the boundary of the B. F. Tharp tract 250c between corners 8 and 1; thence with said tract boundary to a point where Lost River again crosses said tract line between corners 8 and 1; thence northeasterly with Lost River to a point where it merges into the Cacapon River; thence with the west bank of Cacapon River to the corporate limits of Wardensville; thence with the west, south and east corporate limits of Wardensville to Route 23; thence with said Route in a northeasterly direction to its intersection with Route 5; thence with said Route in a northeasterly direction to its intersection with Slate Rock Run; thence northwesterly with said Run to Cacapon River; thence with west bank of Cacapon River to its intersection with Route 16; Hampshire County, W. Va.; thence southeasterly with Route 16 to its intersection with the Charles F. Nelson tract 81c a point between corners 5 and 6 of said tract; thence with the boundary of tract 81c reversed to a point in line between corners 3 and 2 where Route 16 crosses said line; thence southeasterly with Route 16 to the W. Va.-Va. State line; thence continuing on the same Route which becomes Route 609 on entering Frederick County, Va. to Route 55; thence southeasterly with Route 55 to its intersection with Route 604; thence southwesterly on a straight line to corner 1 of the Williamson and Moul tract 70; thence southeasterly with the boundary of said tract reversed to corner 32; thence southwesterly on a straight line to corner 4 of the St. Luke Hospital tract 75b-2; thence southwesterly on a straight line to corner 2 of the St. Luke Hospital tract 75a; thence southeasterly on a straight line to corner 3 of the Paul J. Williams tract 361; thence southeasterly on a straight line to corner 10 of the St. Luke Hospital tract 75c; thence southeasterly with a line of said tract to corner 11; thence southeasterly on a straight line to the intersection of Route 646 with Route 623; thence southwesterly with Route 623 to the point of intersection with Toms Brook; thence southwesterly on a straight line to corner 102 of the Shenandoah Iron and Coal Co. tract 100a; thence southwesterly on a straight line to corner 154; thence to corner 155; thence southwesterly on a straight line to corner 160; thence northwesterly on a straight line to corner 172; thence following the south boundary of the Isaac Zane lap to corner 174 of the said tract 100a; thence southwesterly on a straight line to corner 23 of the Shenandoah Iron and Coal Co. tract 100b; thence



southwesterly on a straight line to corner 29; thence southwesterly with the boundary of said tract 100b to corner 36 which is corner 4 of the Wetherholtz Heirs tract 148; thence southerly with the boundary of tract 148 reversed to corner 3; thence westerly on a straight line to corner 2 of the Shenandoah Iron and Coal Co. tract 100b; thence following the boundary of said tract to point in line between corners 7 and 8 where Stony Creek crosses said line; thence leaving the tract boundary and down Stony Creek to the mouth of Laurel Run; thence up Laurel Run to a point where Route 691 crosses it; thence northwesterly with Route 691 to its junction with Route 717; thence southwesterly with said Route to its intersection with Route 720; thence southwesterly on a straight line to corner 12 of the B. F. Anderson tract 113; thence with the boundary of said tract to a point in line between corners 14 and 15 where Route 717 crosses said line; thence southerly with said Route to its junction with Route 265; thence with Route 265 to its junction with Route 263; thence southwesterly with Route 263 to its junction with Route 610 at Orkney Springs, Va.; thence southwesterly with Route 610 to a point in line between corners 8 and 9 of the Nevin C. Funkhouser tract 163; thence with the boundary of tract 163 reversed to corner 8; thence southeasterly on a straight line, passing into Rockingham County, to corner 7 of the M. A. Williams tract 608; thence southwesterly on a straight line to corner 5 of the Lennig Estate tract 30c-VI; thence southwesterly with a line of said tract to corner 1; thence southwesterly on a straight line to corner 6 of the Lennig Estate tract 30c-V; thence southwesterly with said tract 23 chains to a point in line between corners 6 and 7 where Sours Run emerges from said tract; thence down Sours Run to its confluence with Runions Creek; thence down Runions Creek to its confluence with the North Fork Shenandoah River; thence down said river to the bridge where Route 613 crosses; thence southwesterly on a straight line to corner 1 of the Mary H. Murray tract 16; thence southwesterly on a straight line passing into Augusta County, Va., to corner 12 of the Samuel B. Loose tract 8; thence with a line of said tract to corner 13; thence southwesterly on a straight line to corner 7 of the Chesapeake Western Ry. tract 3; thence with a line of said tract to corner 8; thence southwesterly on a straight line to corner 3 of the Frank Chichester tract 47-1; thence southwesterly with boundary of said tract to corner 7; thence southwesterly on a straight line to corner 14 of the P. G. & R. H. Stratton tract 552; thence southwesterly on a straight line to corner 4 of said tract; thence southwesterly on a straight line to corner 7 of the Buffalo Gap Development Co. tract 492; thence southwesterly with boundary of said tract to corner 10; thence southwesterly on a straight line to a point on the Chesapeake and Ohio Ry. in Buffalo Gap; thence southwesterly with said railroad to corner 6 of the Peter McLaren Estate tract 518; thence leaving the railroad right of way southwesterly on a straight line to corner 6 of the V. P. Kunkle tract 519; thence southwesterly on a straight line to corner 16 of the H. B. Hutchison tract 488; thence with the boundary of said tract reversed to corner 14; thence southwesterly on a straight line to corner 9 of the said tract 488; thence southwesterly with the boundary of said tract reversed to corner 8; thence southwesterly on a straight line to corner 4 of the C. G. Craig tract 516; thence southwesterly to corner 1 of the E. C. Chamberlain et al. tract 484; thence southwesterly on a straight line passing through corner 5 of the R. E. R. Nelson tract 489 to the Augusta-Rockbridge County line; thence southeasterly with said county line to its intersection with Route 602; thence southwesterly with Route 602 to its junction with Route 501; thence northwesterly with Route 501 to its junction with Route 623; thence southwesterly with said Route 623

to its junction with Route 631; thence northwesterly with said Route 631 to its junction with U. S. Highway 60; thence westerly with said highway to the point of beginning.

*Massanutten Unit*

**Massanutten Unit.**

Beginning at a concrete tank on top of hill over the Massanutten Caverns, approximately 6 miles southeast of Harrisonburg, Virginia; thence northeasterly on a straight line to the intersection of Route 721 with Route 620; thence southeasterly and northeasterly with Route 620 to its intersection with U. S. Highway 211; thence with U. S. Highway 211 and Route 620 southeasterly to the point where Route 620 leaves U. S. Highway 211; thence northeasterly on a straight line to the intersection of Route 699 with a private road coming from the south at Walkers Chapel; thence northeasterly on a straight line to corner 10 of Wilkins and Bowman tract 600; thence with boundary of said tract northerly to corner 1; thence northeasterly on a straight line to a point on the North Fork of Shenandoah River at the mouth of a small drain directly south of a small Island where said river bends sharply northward; thence down the North Fork of Shenandoah River to corner 3 of the Town of Woodstock tract 410; thence northeasterly on a straight line to corner 9 of H. B. Chapman tract 1a-1b; thence with the boundary of said tract reversed to corner 3 which is corner 3 of the H. B. Chapman tract 1a-II; thence with tract 1a-II to corner 4; thence with the boundary of said tract to corner 1, a point in line between corners 1 and 2 of tract 1a-1b; thence northeasterly with said tract to corner 2 of tract 1a-I; thence with a line of said tract to corner 3; thence northeasterly on a straight line to corner 5 of the Mary E. McInturff tract 65; thence with a line of said tract to corner 4; thence northeasterly on a straight line to corner 6 of the Ricketts and Graham tract 68-1; thence with a line of said tract to corner 7; thence northeasterly on a straight line to corner 33 of the Ricketts and Graham tract 68; thence northeasterly on a straight line to corner 26 of said tract; thence northeasterly with 6 courses of said tract reversed to corner 20; thence northeasterly on a straight line to corner 2 of the Frank Tewalt tract 160; thence with meanders of said tract to corner 3; thence on a straight line northeasterly to corner 6 of said tract; thence on a straight line northeasterly to the junction of Route 636 with Route 55; thence easterly with said Route 55 (new location) to its intersection with Forest Highway 74; thence southwesterly with said highway to its junction with Route 613; thence southerly with Route 613 to its intersection with a small stream at forks of road; thence easterly with said stream to South Fork Shenandoah River; thence up said river, passing into Page County, to the first ford, a point about  $1\frac{1}{2}$  miles west of Compton; thence with a road westerly and southerly to its junction with Route 615; thence with Route 615 southwesterly to junction with U. S. Highway 211; thence westerly with said Highway and State Route 615 to a point where Route 615 leaves U. S. Highway 211; thence southwesterly on a straight line to corner 9 of the M. H. Jeffries et al tract 97; thence along the east boundary of said tract, the east boundaries of H. H. Rust tract 39 and the Allegheny Ore and Iron Co. tract 90 to corner 23 of said tract 90; thence southwesterly on a straight line to corner 19 of tract 90; thence southwesterly to corner 13; thence southwesterly on a straight line to corner 10; thence southwesterly to corner 9; thence southwesterly on a straight line to corner 5; thence with the boundary of said tract 90 reversed to corner 54; thence southerly on a straight line to a point on Batman Run where the Page-Rockingham County line intersects said Run; thence northwesterly with the Page-Rockingham

County line to corner 51 of tract 90; thence with a line of said tract reversed to corner 50; thence southeasterly on a straight line to corner 5 of C. V. Harnsberger tract 828; thence southwesterly with a line of said tract to corner 6; thence southwesterly on a straight line to the intersection of Routes 646 and 647; thence with Route 647 to its intersection with Route 644; thence southwesterly on a straight line to the junction of Route 12 and U. S. Highway 33 at Montevideo; thence northwesterly on a straight line to the point of beginning.

*Natural Bridge Unit*

Beginning at the junction of North River with James River near the town of Glasgow, Virginia; thence up North River to Lowry Run; thence up Lowry Run and its North Fork to a point in line between corners 7 and 8 of the J. H. Paxton Heirs tract 7; thence northeasterly with the boundary of said tract 7 reversed to corner 2 which is corner 7 of the T. T. & W. E. Dickinson tract 293a; thence northwesterly with said tract 293a to corner 1 which is corner 18 of the French and Post tract 3; thence with the boundary of said tract reversed to corner 16h; thence northeasterly on a straight line to corner 16a; thence with the boundary of said tract 3 reversed to corner 16; thence northeasterly on a straight line to corner 7 of the Buena Vista Iron Co. tract 13; thence with the boundary of said tract to a point in line between corners 12 and 13 where the South Fork of Chalk Mine Run crosses said line; thence down South Fork of Chalk Mine Run and up Chalk Mine Run to where said Run crosses the French and Post tract 13, a point 0.41 chains southeast of corner 23; thence northeasterly with said tract 13 to corner 24; thence northerly on a straight line to the confluence of Stony Run with South River; thence northeasterly with South River to where Route 608 crosses a point between Mt. Joy Church and Pkin Station; thence with Route 608 to its junction with Route 610; thence with Route 610 to its junction with Route 633; thence northeasterly with Route 633 to its junction with Route 634; thence southeasterly with Route 634 to its junction with Route 610; thence with Route 610 to its intersection with Back Creek; thence down Back Creek to its intersection with the Norfolk and Western Railway; thence northeasterly with said railway to its intersection with U. S. Highway 250; thence southeasterly with U. S. Highway 250 to its junction with Route 609; thence with Route 609 to its intersection with Route 610; thence easterly on a straight line to a point where Route 610 joins Route 6; thence southerly with Route 6 to its junction with Route 151; thence southwesterly with Route 151 to its junction with Route 664; thence westerly with said Route to its junction with Route 680; thence southerly with Route 680 to its junction with Route 681; thence northerly and westerly with Route 681 to its junction with Route 655; thence southwesterly on a straight line to the junction of Route 666 with Route 678; thence southwesterly with Route 666 to its junction with Route 629 at Lowesville; thence northwesterly with Route 629 to its junction with Route 628; thence southwesterly on a straight line to the junction of Route 621 with Route 625; thence southerly with Route 625 to its intersection with Route 627; thence westerly with Route 627 to its junction with Route 617; thence southerly with Route 617 to its intersection with Route 631; thence southwesterly with Route 631 to its intersection with U. S. Highway 60; thence westerly with U. S. Highway 60 to its intersection with Route 635 at Dodds Ford; thence southwesterly on a straight line to corner 3 of the J. P. Phillips and A. D. Watts tract 19; thence with the boundary of said tract to corner 6, which is corner 2 of the C. M. Barnes tract 117; thence with the

Natural Bridge Unit.

boundary of said tract 117 to corner 6; then southwesterly on a straight line to corner 2 of the C. H. Foster tract 16; thence southeasterly on a straight line to the junction of Route 647 with Route 649; thence southeasterly with Route 649 to its intersection with Pedlar River; thence southerly down Pedlar River to its confluence with James River; thence up James River to the place of beginning.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23rd day of November in the year of our Lord nineteen hundred and thirty-eight,  
[SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

### ENLARGING THE ARCHES NATIONAL MONUMENT—UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Arches National  
Monument, Utah.  
Preamble.  
46 Stat. 2988.

WHEREAS certain public lands contiguous to the Arches National Monument, in Utah, established by proclamation of April 12, 1929 (46 Stat. 2988), have situated thereon geologic and prehistoric structures of historic and scientific interest; and

WHEREAS there are other public lands contiguous to the said monument which are necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands included in the monument and on the other lands referred to above; and

WHEREAS it appears that it would be in the public interest to reserve such lands as part of the said monument:

Lands reserved as  
addition to.

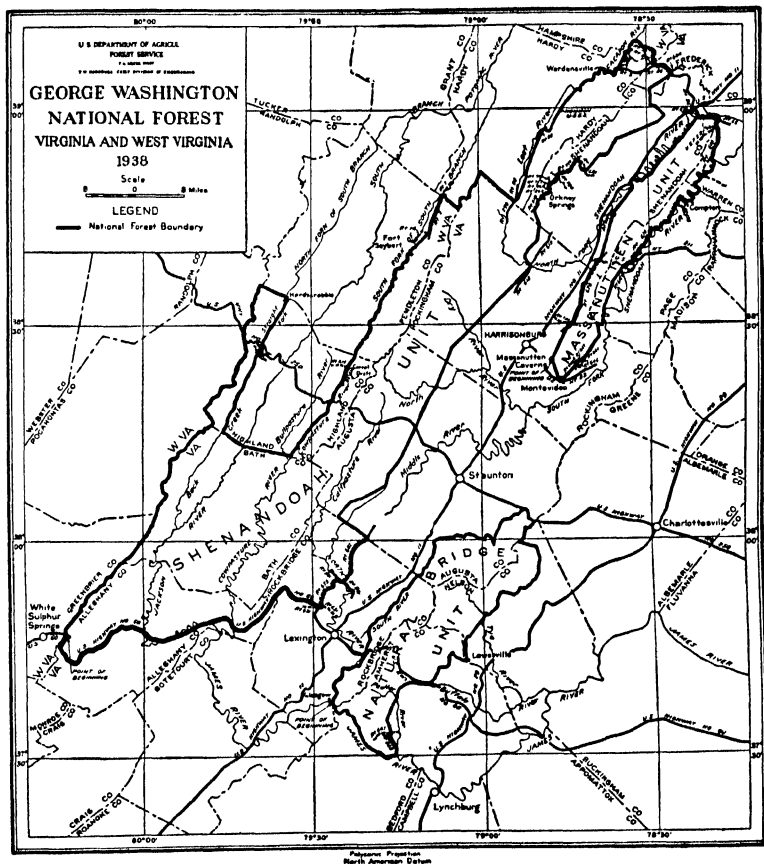
34 Stat. 225.  
16 U. S. C. § 431.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Utah are hereby reserved from all forms of appropriation under the public-land laws and added to and made a part of the said Arches National Monument:

Description.

#### *Salt Lake Meridian—Utah*

T. 23 S., R. 20 E., sec. 12, S½,  
sec. 13, all,  
sec. 22, E½,  
sec. 23, all,  
sec. 24, N½,  
T. 23 S., R. 21 E., sec. 7, S½  
secs. 16 to 18, inclusive,  
sec. 19, N½,  
sec. 20, N½ and SE¼,  
secs. 21 and 22,  
secs. 26 to 28, inclusive,  
secs. 34 and 35,



Projection: Projection  
North American Datum



- T. 24 S., R. 21 E., sec. 1, all,  
 sec. 2, N½,  
 sec. 3, N½,  
 secs. 12 and 13,  
 secs. 23 to 27 and 33 to 35, inclusive,  
 sec. 36, N½ (all unsurveyed),  
 T. 25 S., R. 21 E., secs. 3 to 5 and 8 to 10, inclusive,  
 secs. 15 to 17, inclusive,  
 sec. 22, all  
 and all those parts of secs. 20, 21, 27 and 28  
 north of State Highway No. 450,  
 T. 24 S., R. 22 E., sec. 4, W½,  
 secs. 5 to 8, inclusive,  
 sec. 9, W½,  
 secs. 17 to 20, inclusive,  
 secs. 29 to 30,  
 sec. 31, N½,  
 sec. 32, N½,  
 aggregating approximately 29,160 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Warning against  
unauthorized acts.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of November in the year of our Lord nineteen hundred and thirty-eight, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

## ENLARGING THE MARQUETTE NATIONAL FOREST—MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 25, 1938  
[No. 2313]

### A PROCLAMATION

WHEREAS certain lands adjacent to the Marquette National Forest within the State of Michigan have been or hereafter may be acquired by the United States of America under authority of the act of March 1, 1911, c. 186, 36 Stat. 962 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 202, U. S. C., title 40, sec. 403), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

Marquette National  
Forest, Mich.  
Preamble.

36 Stat. 962.  
16 U. S. C. § 516.  
43 Stat. 653.  
16 U. S. C. § 515.  
48 Stat. 22.  
16 U. S. C. § 585.  
48 Stat. 202.  
40 U. S. C. § 403.  
49 Stat. 115.

WHEREAS it appears that the said lands and certain intermingled public lands are suitable for national-forest purposes, and that it would be in the public interest to give such lands a national-forest status:

Lands reserved as  
addition to.

26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.  
36 Stat. 963.  
16 U. S. C. § 521.  
48 Stat. 22.  
16 U. S. C. § 585.  
48 Stat. 202.  
40 U. S. C. § 403.

49 Stat. 118.

Administration of  
lands hereafter ac-  
quired.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), by section 11 of the act of March 1, 1911, 36 Stat. 963 (U. S. C., title 16, sec. 521), the act of March 31, 1933, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 202, U. S. C., title 40, sec. 403), and section 5 of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115, 118), do proclaim (1) that there are hereby reserved and set apart as an addition to the Marquette National Forest all lands of the United States within the area hereinafter described and shown on the diagram attached hereto and made a part hereof, and (2) that all lands within such area which may hereafter be acquired by the United States under the authority of the said acts of March 1, 1911, June 7, 1924, March 31, 1933, June 16, 1933, and April 8, 1935, shall upon acquisition of title thereto become, and be administered as, part of the said Marquette National Forest.

### *Michigan Principal Meridian*

Description.

That portion of the Round Island Lighthouse Reservation in the Straits of Mackinac, Michigan, lying eastward of the true north and south line passing through a point distant 1900 feet, 135 degrees true south 45 degrees east, from the center of the Round Island Lighthouse tower, which tower is located at latitude 45 degrees, 50 minutes, 15 seconds north, and longitude 84 degrees, 37 minutes west, described by metes and bounds as follows: Beginning at the point defined above; thence due north 200 feet, more or less, to the shore line; thence following the shore line southeasterly and southerly to the extreme southeasterly point of the Island; thence northwesterly following the shore line to a point on the southwesterly shore line which is due south of the point of beginning; thence due north 530 feet, more or less, to the point of beginning.

T. 40 N., R. 4 W., secs. 1, 2, 3, 4, 5, 8, 9, fractional secs. 10, 11 and 12, and W $\frac{1}{2}$  sec. 15.

T. 41 N., R. 1 E., all of Government Island No. 6, subject, however, to the provisions of section 13 of the act of May 28, 1935, 49 Stat. 305, 307.

T. 41 N., R. 2 W., secs. 2, 3, 10 and 11.

T. 41 N., R. 3 W., all that part West of Lake Huron.

T. 41 N., R. 4 W., all.

T. 41 N., R. 5 W., all that part North and East of Lake Michigan.

T. 42 N., R. 2 W., all that part lying North of St. Martin's and Search Bays in Lake Huron.

T. 42 N., R. 3 W., all that part lying West and North of St. Martin's Bay in Lake Huron.

Tps. 42 N., Rs. 4 and 5 W., all.

Tps. 43 N., Rs. 2, 3, 4 and 5 W., all.

T. 44 N., R. 3 W., secs. 6, 7, 18 and 19; S $\frac{1}{2}$  secs. 27 and 28; W $\frac{1}{2}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$  of sec. 29; and secs. 30 to 34, inclusive.

T. 44 N., R. 4 W., secs. 25 to 36, inclusive.

T. 44 N., R. 5 W., secs. 25 to 36, inclusive.

T. 45 N., R. 3 W., secs. 27 to 31, inclusive, and the N $\frac{1}{2}$  of sec. 32.



U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
R.A. SILCOX CHIEF

# MARQUETTE NATIONAL FOREST MICHIGAN

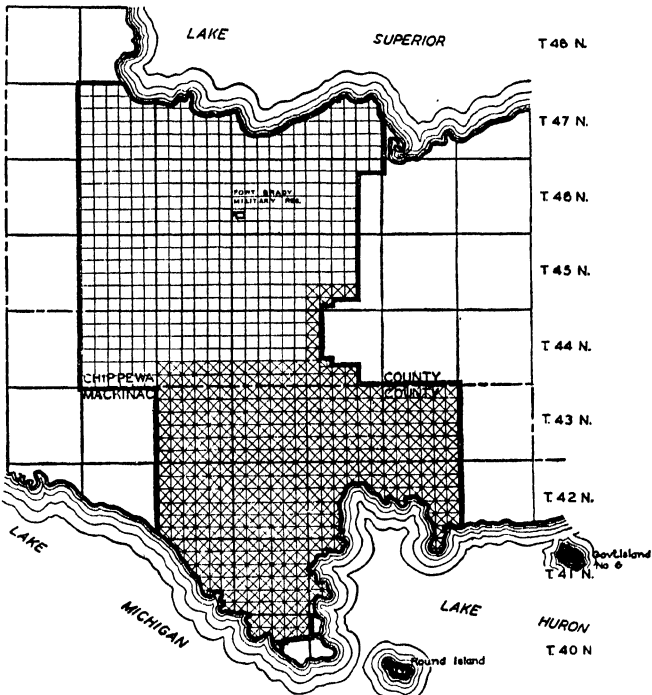
MICHIGAN MERIDIAN  
1936

SCALE

0 5 10 15 MILES

— NATIONAL FOREST BOUNDARY

— ADDED TO MARQUETTE NATIONAL FOREST



R. 7 W. R. 6 W. R. 5 W. R. 4 W. R. 3 W. R. 2 W. R. 1 W. R. 1 E.

DIAGRAM FORMING PART OF PROCLAMATION DATED NOV. 25, 1936



The Executive Orders of July 21, 1874, and October 20, 1874, withdrawing public lands for lighthouse purposes are hereby revoked, and Executive Order No. 4430 of April 23, 1926, withdrawing public lands for classification, is hereby revoked in so far as it affects any of the above-described lands.

Revocation of designated Executive Orders.  
Post, pp. 2520, 2541.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of November in the year of our Lord nineteen hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT TEXAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

November 26, 1938  
[No. 2314]

WHEREAS the Secretary of Agriculture has submitted to me for approval the following regulation adopted by him on October 26, 1938, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755):

Aransas Migratory  
Waterfowl Refuge,  
Tex.  
Preamble.  
40 Stat. 755.  
16 U. S. C. §§ 703-  
711; Supp. IV, §§ 703-  
705, 707, 708, 709a.

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS WITHIN, ADJACENT TO, OR IN THE VICINITY OF THE ARANSAS MIGRATORY WATERFOWL REFUGE, TEXAS

By virtue of and pursuant to the authority vested in me by section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, U. S. C., title 16, sec. 704), and in conformity with Regulation 4 of the Migratory Bird Treaty Act Regulations, I, H. A. Wallace, Secretary of Agriculture, do hereby designate as closed area in or on which hunting, taking, capturing, or killing, or attempting to hunt, take, capture, or kill, migratory birds is hereby prohibited, all areas of land and water in Aransas and Refugio Counties, Texas, not now owned or controlled by the United States within the following-described exterior boundary:

Regulation designating certain lands and waters within, etc., as closed area.  
40 Stat. 755.  
16 U. S. C. § 704;  
Supp. IV, § 704.  
Anle, p. 2456.

Beginning at a point at the head of St. Charles Bay, on the right or west bank and at the mouth of Twin (Willow) Creek, said point being marked with a U. S. Biological Survey standard concrete post;

Description.

Thence from said initial point, upstream with the right or west bank meanders of Twin (Willow) Creek,

N. 43°17' E., 1.83 chains;  
S. 74°32' E., 2.617 chains;  
N. 45°43' E., 1.912 chains;  
N. 16°19' E., 1.87 chains;  
N. 14°22' W., 1.862 chains;  
N. 58°08' W., 1.173 chains;  
N. 84°14' W., 2.575 chains;  
N. 44°57' W., 7.37 chains;

N. 70°27' W., 1.20 chains;  
 S. 62°12' W., 2.677 chains;  
 N. 33°51' W., 5.52 chains;  
 N. 77°14' W., 1.836 chains;  
 N. 39°29' W., 5.76 chains;  
 N. 00°54' W., 3.53 chains;  
 N. 87°02' E., 0.985 chain;  
 S. 35°29' E., 2.00 chains;  
 N. 00°38' E., 1.008 chains;  
 N. 36°14' W., 3.06 chains;  
 N. 24°36' E., 1.86 chains;  
 N. 18°53' W., 0.936 chain;  
 N. 35°41' W., 4.38 chains;  
 N. 37°44' E., 1.11 chains;  
 N. 2°38' W., 2.926 chains;  
 N. 18°18' W., 8.00 chains;  
 N. 41°06' W., 2.18 chains;  
 N. 34°39' E., 1.826 chains;  
 N. 50°50' W., 1.571 chains;  
 N. 61°49' W., 2.27 chains;  
 N. 75°49' W., 4.46 chains;  
 N. 43°07' W., 2.29 chains;  
 N. 8°38' E., 1.827 chains;  
 N. 64°34' W., 1.06 chains;  
 N. 22°12' E., 1.60 chains;  
 N. 45°00' E., 1.909 chains;  
 N. 13°38' W., 2.358 chains;  
 N. 56°10' E., 1.68 chains;  
 N. 1°51' W., 1.486 chains;  
 N. 29°33' W., 4.48 chains;  
 N. 3°22' W., 3.34 chains;  
 S. 66°21' W., 4.16 chains;  
 S. 82°56' W., 0.869 chain;  
 N. 71°13' W., 1.38 chains;  
 N. 36°25' W., 1.44 chains;  
 N. 21°29' W., 2.509 chains;  
 N. 1°35' W., 3.30 chains;  
 N. 33°19' W., 1.882 chains;  
 N. 61°43' W., 4.43 chains;

Thence crossing Twin (Willow) Creek and Blackjack Peninsula,

N. 13°39' E., 48.90 chains;  
 N. 18°06' E., 42.81 chains;  
 N. 12°13' E., 2.271 chains;  
 N. 00°49' E., 80.08 chains;  
 N. 89°12' E., 94.53 chains;  
 N. 00°43' W., 39.85 chains;  
 N. 89°11' E., 119.08 chains;  
 N. 00°51' W., 80.04 chains;  
 N. 89°15' E., 120.03 chains;  
 N. 00°44' W., 61.58 chains;  
 N. 89°07' E., 76.70 chains;  
 S. 1°30' E., 40.44 chains;  
 S. 89°28' E., 40.27 chains;  
 South, 0.352 chain;  
 East, 0.188 chain;  
 S. 00°28' E., 6.85 chains;  
 N. 89°31' E., 163.06 chains to a point on Webb Point on  
 the west shore of San Antonio Bay;

Thence along the west shore of San Antonio Bay with the meanders thereof,

S. 38°51' W., 5.73 chains;  
S. 30°40' W., 5.67 chains;  
S. 5°42' W., 5.60 chains;  
S. 31°18' W., 5.95 chains;  
S. 39°07' W., 4.64 chains;  
S. 19°40' W., 5.74 chains;  
S. 42°44' W., 6.71 chains;  
S. 40°02' W., 9.52 chains;  
S. 14°01' W., 4.23 chains;  
S. 65°20' W., 4.00 chains;  
S. 11°39' E., 4.59 chains;  
S. 76°20' W., 6.36 chains;  
S. 67°47' W., 7.83 chains;  
S. 43°51' W., 15.16 chains;  
S. 47°53' W., 13.18 chains;  
S. 47°30' W., 10.81 chains;  
S. 28°11' W., 5.55 chains;  
S. 37°42' W., 5.13 chains;  
S. 16°56' W., 12.63 chains;  
S. 2°47' W., 14.58 chains;  
S. 16°55' E., 14.76 chains;  
S. 28°24' E., 16.62 chains;  
S. 36°14' E., 11.25 chains;  
S. 42°05' E., 6.92 chains;  
S. 52°45' E., 8.55 chains;  
S. 44°24' E., 9.89 chains;  
S. 66°50' E., 4.57 chains;  
S. 54°11' E., 6.60 chains;  
S. 45°29' E., 15.20 chains to a point on Dagger Point;  
S. 5°05' W., 6.39 chains;  
S. 5°34' E., 6.93 chains;  
S. 11°30' W., 8.95 chains;  
S. 15°32' E., 12.38 chains;  
S. 19°12' E., 25.44 chains;  
S. 37°09' E., 25.00 chains;  
S. 44°20' E., 14.97 chains;  
S. 27°44' E., 5.47 chains;  
S. 44°21' E., 11.71 chains;  
S. 20°07' E., 8.83 chains;  
S. 6°42' E., 16.41 chains;  
S. 13°46' E., 6.26 chains;  
S. 8°05' E., 9.05 chains to a point at the mouth of Mustang Lake;

Thence crossing the inlet to Mustang Lake and continuing with the west shore meanders of San Antonio Bay,

S. 15°08' E., 12.69 chains;  
S. 10°17' E., 9.81 chains;  
S. 8°28' W., 6.21 chains;  
S. 44°58' W., 4.50 chains;  
S. 12°50' E., 17.98 chains;  
S. 12°21' E., 7.29 chains;  
S. 37°15' E., 3.39 chains;  
S. 21°38' W., 8.43 chains;  
S. 6°04' E., 10.52 chains;  
S. 10°25' W., 5.72 chains;  
S. 8°50' E., 9.86 chains to a point on False Live Oak Point;

S. 11°59' W., 9.32 chains;  
 S. 16°54' W., 8.99 chains;  
 S. 25°51' W., 10.10 chains;  
 S. 38°22' W., 10.48 chains to a point;  
 Thence in San Antonio Bay and Ayres Bay,  
 S. 46°16' W., 303.60 chains to a point on north shore of  
 Ayres Bay;  
 Thence along the north shore of Ayres Bay,  
 S. 58°16' W., 7.77 chains to a point;  
 Thence in Mullet Bay,  
 S. 68° W., 60.00 chains (approximately);  
 S. 46° W., 98.00 chains (approximately), to the south-  
 easternmost point on Bludworth Island;  
 Thence in Back Bay,  
 S. 36° W., 165.00 chains (approximately), to a point on  
 Cedar Point and the southerly right-of-way bound-  
 ary of the Old Intracoastal Canal;  
 Thence with the southerly right-of-way boundary of the  
 Old Intracoastal Canal,  
 Southwesterly to the angle point of said canal which is  
 south of Dunham Island;  
 Thence leaving said canal, in Aransas Bay,  
 West, approximately 275.00 chains to a point due south  
 of Blackjack Point;  
 North, approximately 51.00 chains to a point on Black-  
 jack Point;  
 Thence crossing East Pocket,  
 N. 10°09' E., 31.79 chains to a point on Bird Point;  
 Thence in St. Charles Bay,  
 N. 10° E., 205.00 chains (approximately), to a point  
 opposite Egg Point;  
 N. 30° E., 180.00 chains (approximately), to a point  
 opposite Big Sharp Point;  
 N. 25° W., 130.00 chains (approximately), to a point  
 opposite Meile Dietrich Point;  
 N. 30° E., 330.00 chains (approximately), to the place  
 of beginning.

The bearings in the above description are referred to the  
 true meridian as determined by solar observations made in  
 surveys by the Bureau of Biological Survey in 1937.

AND WHEREAS upon consideration it appears that the foregoing  
 regulation will tend to effectuate the purposes of the aforesaid Migra-  
 tory Bird Treaty Act of July 3, 1918;

Regulation ap-  
 proved and pro-  
 claimed.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, Presi-  
 dent of the United States of America, under and by virtue of the  
 authority vested in me by the aforesaid Migratory Bird Treaty Act  
 of July 3, 1918, do hereby approve and proclaim the foregoing regula-  
 tion of the Secretary of Agriculture.

IN WITNESS WHEREOF I have hereunto set my hand and  
 caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26<sup>th</sup> day of November in the  
 year of our Lord nineteen hundred and thirty-eight, and of  
 [SEAL] the Independence of the United States of America the one  
 hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President,  
 SUMNER WELLES  
*Acting Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 29, 1938  
[No. 2316]

## A PROCLAMATION

WHEREAS during the year 1939 there is to be held at New York City a world's fair to celebrate the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the national government and there is to be held at San Francisco, California, an international exposition to celebrate the completion of the San Francisco-Oakland Bridge and the Golden Gate Bridge and to depict and exhibit the progress and accomplishments of the Pacific area of the United States in science, industry, and culture; and

WHEREAS joint resolutions of Congress approved June 15, 1936 (49 Stat. 1516, 1518), authorized and requested the President by proclamation, or in such manner as he might deem proper, to invite foreign countries and nations to the exposition and the world's fair with a request that they participate therein; and

WHEREAS I have by proclamations of November 16, 1936 (Nos. 2209, 2210; 50 Stat. 1796, 1797), invited the participation of the nations in these celebrations, and the responses to these invitations have been most gratifying;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do invite the attention of our citizens and of friends beyond our borders to the World's Fair at New York and the Golden Gate International Exposition at San Francisco and express the hope that the fair and the exposition will be attended by many from this country who will join with the Government in greeting with a warm welcome the many from abroad taking advantage of the occasion to visit our shores.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29<sup>th</sup> day of November, in the year of our Lord nineteen hundred and thirty-eight, and  
[SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

World's Fair at  
New York City and  
Golden Gate Inter-  
national Exposition at  
San Francisco, Calif.,  
1939.  
Preamble

49 Stat. 1516, 1518.

50 Stat. 1796, 1797.

General invitation  
to attend.

## DESCHUTES NATIONAL FOREST—OREGON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 5, 1938  
[No. 2316]

## A PROCLAMATION

WHEREAS the hereinafter-described lands in the State of Oregon have been found by the Secretaries of Agriculture and of the Interior to be chiefly valuable for national-forest purposes; and

WHEREAS such lands are within the limitations contained in the act of February 2, 1922, entitled "An act authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes", c. 46, 42 Stat. 362, as amended by the act of May 24, 1935, c. 140, 49 Stat. 288; and

WHEREAS it appears that the addition of such lands to the Deschutes National Forest would be in the public interest:

Deschutes National  
Forest, Oreg.  
Preamble.

42 Stat. 362; 49 Stat.  
288.

Lands reserved as  
addition to.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the aforesaid act of February 2, 1922, as amended, do proclaim that the following-described lands in the State of Oregon are hereby added to, and reserved as a part of, the Deschutes National Forest:

## Description.

*Willamette Meridian*

- T. 24 S., R. 7 E., sec. 11, E½;  
secs. 12 and 13;  
sec. 14, E½.
- T. 25 S., R. 7 E., secs. 1 and 2;  
sec. 12, N½, N½SW¼, SE¼SW¼, SE¼;  
sec. 13, NE¼, NE¼SW¼, N½SE¼, SE¼SE¼.
- T. 24 S., R. 8 E., sec. 1;  
sec. 2, E½;  
secs. 7 to 34, inclusive;  
sec. 35, NE¼, E½NW¼, NW¼NW¼, S½;  
sec. 36.
- T. 25 S., R. 8 E., secs. 1 to 7, inclusive;  
sec. 8, N½, N½SW¼, SE¼SW¼, SE¼;  
secs. 9 and 10;  
sec. 11, NW¼, S½;  
secs. 12 to 16, inclusive;  
sec. 17, E½, E½W½;  
sec. 18, W½NE¼, W½, NW¼SE¼.
- T. 10 S., R. 9 E., sec. 36, lot 2.
- T. 11 S., R. 9 E., sec. 1, lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼,  
NE¼SW¼, SE¼;  
sec. 12, NE¼, lots 1, 2, 3, 4, E½SE¼;  
sec. 13, lot 1, SE¼SE¼;  
sec. 24, NE¼NE¼, E½SE¼;  
sec. 25, NE¼NE¼, S½NE¼, N½SE¼;  
sec. 36.
- T. 22 S., R. 9 E., sec. 13, S½;  
secs. 24 to 36, inclusive.
- T. 23 S., R. 9 E., secs. 3, 4, and 5, N½;  
sec. 13, SW¼;  
sec. 14, SE¼;  
sec. 19;  
sec. 23, E½;  
secs. 24 and 25;  
sec. 26, E½;  
sec. 28, W½;  
secs. 29, 30, and 31;  
sec. 34, SE¼;  
secs. 35 and 36.
- T. 24 S., R. 9 E., sec. 1, NE¼NE¼, W½E½, W½;  
secs. 2 and 3;  
sec. 4, E½E½;  
sec. 5, W½;  
secs. 6 to 11, inclusive;  
sec. 12, NW¼, W½SW¼;  
sec. 13, W½NW¼, NW¼SW¼;  
secs. 14 to 23, inclusive;  
sec. 24, NW¼, S½;  
secs. 25 to 29, inclusive;  
sec. 30, E½, NW¼, N½SW¼, SW¼SW¼;  
secs. 31 to 36, inclusive.



- T. 25 S., R. 9 E., secs. 1 to 5, inclusive;  
 sec. 6, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 secs. 7 to 18, inclusive;  
 sec. 22, N $\frac{1}{2}$ .
- T. 10 S., R. 10 E., sec. 27, lot 1;  
 sec. 28, lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 sec. 29, lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 sec. 31, lots 1, 2, 3, 4, 5, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 secs. 32 and 33;  
 sec. 34, lots 1, 2, 3, 4, 5, 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
 sec. 35, lot 1.
- T. 11 S., R. 10 E., sec. 2, lots 1 and 2;  
 sec. 3, lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
 SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 sec. 10;  
 sec. 11, lots 1, 2, 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
 W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 sec. 12, lots 1 and 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 sec. 13, lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 secs. 14 and 15, and 22 to 27, inclusive;  
 sec. 33, S $\frac{1}{2}$ ;  
 secs. 34, 35, 36.
- T. 12 S., R. 10 E., secs. 1 to 4, and 7 to 36, inclusive.
- T. 13 S., R. 10 E., secs. 1 to 5, inclusive;  
 sec. 6, N $\frac{1}{2}$ ;  
 secs. 8 to 36, inclusive.
- T. 14 S., R. 10 E., secs. 1 to 24, and 28 to 34, inclusive.
- T. 15 S., R. 10 E., secs. 3 to 10, 15 to 23, and 26 to 35, inclusive.
- T. 16 S., R. 10 E.
- T. 17 S., R. 10 E., secs. 1 to 6, and 8 to 15, inclusive;  
 sec. 16, E $\frac{1}{2}$ ;  
 secs. 22 to 26, inclusive, and 35 and 36.
- T. 18 S., R. 10 E., sec. 1, N $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 secs. 2 and 3;  
 sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 secs. 11 to 14, inclusive, and 24, 25, and 36.
- T. 19 S., R. 10 E., secs. 1, 2, 11, 12, 13, 14;  
 sec. 25, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 sec. 26, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 sec. 34, SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 20 S., R. 10 E., sec. 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 sec. 11, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 sec. 12, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 sec. 13, E $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$   
 SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 secs. 24 and 25;  
 secs. 31, 32, 33, and 34, S $\frac{1}{2}$ ;  
 secs. 35 and 36.
- T. 22 S., R. 10 E., sec. 8, E $\frac{1}{2}$ ;  
 sec. 17, W $\frac{1}{2}$ ;  
 sec. 18, S $\frac{1}{2}$ ;  
 sec. 19;  
 sec. 24, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
 secs. 30 and 31, W $\frac{1}{2}$ .

- T. 23 S., R. 10 E., sec. 1;  
 sec. 12, N $\frac{1}{2}$ ;  
 sec. 19;  
 sec. 20, W $\frac{1}{2}$ ;  
 sec. 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
 sec. 31, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 sec. 33, S $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 24 S., R. 10 E., sec. 4, NW $\frac{1}{4}$ ;  
 sec. 5, E $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 sec. 7, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 sec. 8, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 sec. 11, SE $\frac{1}{4}$ ;  
 sec. 12, S $\frac{1}{2}$ ;  
 secs. 13 and 14;  
 sec. 15, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 sec. 16, SE $\frac{1}{4}$ ;  
 sec. 19, S $\frac{1}{2}$ ;  
 secs. 20, and 22 to 27, inclusive;  
 sec. 28, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 secs. 29 to 36, inclusive.
- T. 25 S., R. 10 E., secs. 1 to 12, inclusive.
- T. 11 S., R. 11 E., sec. 18, lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 sec. 19, lots 1, 2, 3, 4, 5, 6, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
 SE $\frac{1}{4}$ ;  
 sec. 20, lots 1 and 2;  
 sec. 28, lots 1, 2, 3, 4, 5, 6, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
 NW $\frac{1}{4}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 sec. 29, lots 1, 2, 3, 4, 5, 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
 secs. 30, 31, 32;  
 sec. 33, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 12 S., R. 11 E., sec. 4, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
 secs. 5, 6, 7, 8;  
 sec. 9, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 sec. 17, NE $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
 sec. 18;  
 sec. 31, W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 13 S., R. 11 E., sec. 6, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 sec. 7;  
 sec. 18, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ .
- T. 16 S., R. 11 E., secs. 30 and 31, W $\frac{1}{2}$ .
- T. 17 S., R. 11 E., sec. 4, S $\frac{1}{2}$ ;  
 sec. 5, NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 secs. 6 to 9, inclusive;  
 sec. 15, W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 secs. 16 to 21, inclusive;  
 sec. 22, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
 secs. 27 to 34, inclusive.
- T. 18 S., R. 11 E., secs. 3 to 10, inclusive;  
 sec. 11, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$ ;  
 secs. 14 to 23, and 26 to 35, inclusive.
- T. 19 S., R. 11 E., sec. 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
 secs. 3 to 10, inclusive;  
 sec. 13, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 secs. 15 to 18, and 20 to 22, inclusive;  
 sec. 23, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

- sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
secs. 25 to 29, inclusive;  
sec. 30, SE $\frac{1}{4}$ ;  
sec. 31, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
secs. 32 to 36, inclusive.
- T. 20 S., R. 11 E., secs. 1 to 5, inclusive;  
sec. 6, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
secs. 7 to 22, inclusive;  
sec. 25, SE $\frac{1}{4}$ ;  
secs. 27 to 34, inclusive, and sec. 36.
- T. 21 S., R. 11 E., secs. 3, 4, 5, 8, 9, 10;  
sec. 11, SE $\frac{1}{4}$ ;  
sec. 12, S $\frac{1}{2}$ ;  
secs. 13 to 17, inclusive;  
sec. 20, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
secs. 21 to 28, inclusive;  
sec. 29, N $\frac{1}{2}$ ;  
sec. 32, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
secs. 33 to 36, inclusive.
- T. 22 S., R. 11 E., secs. 1 to 5, inclusive;  
sec. 7, E $\frac{1}{2}$ ;  
secs. 8 to 22, inclusive;  
sec. 24, NE $\frac{1}{4}$ ;  
secs. 27, 28, 29;  
sec. 30, SE $\frac{1}{4}$ ;  
secs. 31 to 34, inclusive.
- T. 23 S., R. 11 E., sec. 4, E $\frac{1}{2}$ ;  
secs. 5 to 8, and 16 to 19, inclusive;  
sec. 20, W $\frac{1}{2}$ ;  
sec. 26, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
secs. 27 and 28, S $\frac{1}{2}$ ;  
secs. 29 to 36, inclusive.
- T. 24 S., R. 11 E., sec. 2, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
secs. 3 to 11, inclusive, and sec. 16;  
sec. 17, N $\frac{1}{2}$ ;  
secs. 18 and 19.
- T. 19 S., R. 12 E., sec. 31;  
sec. 32, SW $\frac{1}{4}$ ;  
sec. 33, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .
- T. 20 S., R. 12 E., sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 7, SW $\frac{1}{4}$ ;  
sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
sec. 16;  
sec. 17, W $\frac{1}{2}$ ;  
secs. 18, 19, 20;  
sec. 21, W $\frac{1}{2}$ ;  
secs. 29 and 30;  
sec. 31, W $\frac{1}{2}$ .
- T. 21 S., R. 12 E., sec. 4, W $\frac{1}{2}$ ;  
sec. 5, NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
sec. 6, SE $\frac{1}{4}$ ;  
sec. 7;  
sec. 8, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
secs. 18, 19, 30, and 31.

T. 22 S., R. 12 E., sec. 5, W½;  
 secs. 6 and 7;  
 sec. 8, W½;  
 sec. 16;  
 sec. 17, W½;  
 sec. 18;  
 sec. 19, N½;  
 sec. 20;  
 sec. 21, NW¼.  
 T. 20 S., R. 13 E., sec. 6, W½SW¼;  
 sec. 8, NW¼NW¼.

AGGREGATING 411,813.48 acres.

Prior rights not  
 affected; exception.

The reservation made by this proclamation shall as to any land which is at this date embraced in any valid claim or reserved for any public purpose other than for classification or as a stock-driveway, be subject to, and shall not interfere with or defeat, legal rights under such claim, or prevent the use for such public purpose of lands so reserved, so long as such claim is legally maintained or such reservation remains in force.

Revocation of  
 Executive Order No.  
 5082 as to certain  
 lands.

Executive Order No. 5082 of March 22, 1929, withdrawing the public lands within certain areas in Oregon for classification, is hereby revoked as to the following-described lands, which have been classified as not of a national-forest character:

*Willamette Meridian*

T. 23 S., R. 9 E., sec. 4, SW¼SW¼;  
 sec. 5, E½SW¼, SE¼;  
 sec. 8;  
 sec. 9, N½NW¼, SW¼NW¼;  
 sec. 15, E½SE¼;  
 sec. 16;  
 sec. 17, N½, N½S½;  
 sec. 20, N½SW¼, SE¼SW¼, W½SE¼;  
 sec. 21, S½N½, N½SW¼, SE¼SW¼, SE¼;  
 sec. 22, E½NE¼, S½SW¼;  
 sec. 27, N½, SW¼, N½SE¼;  
 sec. 28, E½;  
 sec. 32, W½NE¼, E½W½, SE¼;  
 sec. 33, N½NE¼, SW¼NE¼, SE¼NW¼,  
 N½SW¼;  
 sec. 34, N½NW¼.  
 T. 24 S., R. 9 E., sec. 5, N½NE¼, SE¼SE¼;  
 sec. 13, SE¼NE¼, SE¼SW¼, SE¼;  
 sec. 24, S½NE¼.  
 T. 21 S., R. 10 E., sec. 4, N½, SE¼;  
 sec. 5, NW¼, S½;  
 sec. 6, E½, lots 3, 4, 7, SE¼SW¼;  
 sec. 7, N½NW¼;  
 sec. 8, NE¼, E½NW¼;  
 sec. 9;  
 sec. 21, NE¼;  
 sec. 33, W½SE¼.  
 T. 22 S., R. 10 E., sec. 5, N½SE¼.  
 T. 23 S., R. 10 E., sec. 29, N½NE¼, NE¼NW¼;  
 sec. 32, S½SW¼.

- T. 24 S., R. 10 E., sec. 7, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 sec. 8, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
 sec. 9, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 sec. 11, N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
 sec. 12, N $\frac{1}{2}$ ;  
 sec. 15, NW $\frac{1}{4}$ ;  
 sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 sec. 18;  
 sec. 19, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 sec. 21;  
 sec. 28, NW $\frac{1}{4}$ .
- T. 22 S., R. 11 E., sec. 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , lots 2  
 and 4.

AGGREGATING 12,557.04 acres.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 5<sup>th</sup> day of December in the year of our Lord nineteen hundred and thirty-eight, and [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

#### RELATING TO NEWLY-MINED DOMESTIC SILVER

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 31, 1938  
 [No. 2317]

#### A PROCLAMATION

WHEREAS, by Proclamation of the twenty-first day of December, 1933, as modified by Proclamations of the ninth day of August, 1934, the tenth and twenty-fourth days of April, 1935, and the thirtieth day of December, 1937, the United States coinage mints are directed to receive for coinage and addition to the monetary stocks of the United States silver mined subsequent to December 21, 1933, from natural deposits in the United States or any place subject to the jurisdiction thereof; and

WHEREAS, such Proclamation as so modified provides in part that it

“shall remain in force and effect until the 31st day of December, 1938 unless repealed or further modified by Act of Congress or by subsequent Proclamation.”

AND WHEREAS, such Proclamation as so modified states in part that

“Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this Proclamation as the interests of the United States may seem to require.”

NOW, THEREFORE, finding that the interests of the United States require further modification of said Proclamation of the twenty-first day of December, 1933, as so modified; by virtue of the power in me vested by the Act of Congress cited in said Proclamation,

Coinage of silver.  
 Preamble.  
 48 Stat 1723; 49 Stat.  
 3402, 3445; 52 Stat.  
 1530.

and other legislation designated for national recovery, and by virtue of all other authority in me vested;

Time limit extended.

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby further modify the said Proclamation of the twenty-first day of December, 1933, so that the same shall remain in force and effect until the 30th day of June, 1939; and I do proclaim and direct that, unless repealed or further modified by Act of Congress or by subsequent Proclamation, the said Proclamation of the twenty-first day of December, 1933, as heretofore and hereby modified shall remain in force and effect until the 30th day of June, 1939: *provided, however*, that silver to be eligible for receipt under the said Proclamation of the twenty-first day of December, 1933, as heretofore and hereby modified must be delivered to a United States coinage mint not later than June 30, 1939.

Proviso.  
Condition.

Right reserved.

Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this Proclamation as the interests of the United States may seem to require.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 31<sup>st</sup> day of December, in the year of our Lord nineteen hundred and thirty-eight, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## ENLARGING THE HIAWATHA NATIONAL FOREST—MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

January 3, 1939  
[No. 2318]

Hiawatha National  
Forest, Mich.  
Preamble.

36 Stat. 961.  
16 U. S. C. § 516.  
43 Stat. 653.  
16 U. S. C. § 515.  
48 Stat. 22.  
16 U. S. C. § 585.  
43 Stat. 1133.  
16 U. S. C. § 555.  
48 Stat. 202.  
40 U. S. C. § 403.  
49 Stat. 115.

WHEREAS certain lands adjacent to the Hiawatha National Forest within the State of Michigan have been acquired or are in process of acquisition by the United States under authority of the act of March 1, 1911, c. 186, 36 Stat. 962 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U. S. C., title 16, sec. 585), section 5 of the act of March 3, 1925, 43 Stat. 1132, 1133 (U. S. C., title 16, sec. 555), the National Industrial Recovery, approved June 16, 1933 (48 Stat. 202, U. S. C., title 40, sec. 403), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

WHEREAS it appears that the said lands and certain intermingled public lands are suitable for national-forest purposes, and that it would be in the public interest to reserve them as part of the said Hiawatha National Forest:

Lands reserved as  
addition to.  
26 Stat. 1103.  
16 U. S. C. § 471.  
30 Stat. 36.  
16 U. S. C. § 473.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that all lands of the United States within the following-described boundaries, as shown on the diagram attached hereto and made a part hereof, are hereby included in and reserved as part of the Hiawatha National Forest in the State of Michigan;

and (2) that all lands within such boundaries which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon the acquisition of title thereto become and be administered as part of the said Forest:

*Michigan Principal Meridian*

Description.

- T. 38 N., R. 21 W., all that part lying north and west of Big Bay De Noc, Lake Michigan.
- T. 38 N., R. 22 W., all that part lying east of Little Bay De Noc, Lake Michigan.
- T. 39 N., R. 20 W., all that part lying north and west of Big Bay De Noc, Lake Michigan.
- T. 39 N., R. 21 W., all.
- T. 39 N., R. 22 W., all that part lying east of Little Bay De Noc, Lake Michigan.
- T. 40 N., R. 19 W., all that part lying north of Big Bay De Noc, Lake Michigan.
- T. 40 N., R. 20 W., all that part lying north and west of Big Bay De Noc, Lake Michigan.
- T. 40 N., R. 21 W., all.
- T. 40 N., R. 22 W., all that part lying east of Little Bay De Noc, Lake Michigan, and sec. 2; N $\frac{1}{2}$  and SW $\frac{1}{4}$  sec. 3; secs. 4, 5, 8; N $\frac{1}{2}$  and SW $\frac{1}{4}$  sec. 9.
- Tps. 41 N., Rs. 17, 18, 19, 20 and 21 W., all.
- T. 41 N., R. 22 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; secs. 34 to 36, inclusive.
- Tps. 42 N., Rs. 17, 18, 19, 20 and 21 W., all.
- T. 42 N., R. 22 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; secs. 34 to 36, inclusive.
- Tps. 43 N., Rs. 21 and 22 W., all.
- T. 44 N., R. 21 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; secs. 34 to 36, inclusive.
- T. 45 N., R. 17 W., secs. 1 to 12, inclusive.
- T. 45 N., R. 18 W., secs. 1, 2, 11 and 12.
- T. 45 N., R. 21 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; secs. 34 to 36, inclusive.
- T. 45 N., R. 23 W., N $\frac{1}{2}$  sec. 2.
- T. 46 N., R. 18 W., secs. 1 to 26, inclusive; secs. 35 and 36.
- T. 46 N., R. 19 W., secs. 1 to 24, inclusive.
- T. 46 N., R. 20 W., all.
- T. 46 N., R. 21 W., secs. 1 to 18, inclusive; E $\frac{1}{2}$  sec. 20; secs. 21 to 25, inclusive; N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 26; N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 27; N $\frac{1}{2}$ NE $\frac{1}{4}$  sec. 28; sec. 36.
- T. 46 N., R. 23 W., secs. 11 to 15, inclusive; secs. 21 to 29, inclusive; secs. 33, 34, and 35.
- T. 47 N., R. 18 W., all that part lying south and east of Lake Superior.
- T. 47 N., R. 19 W., all that part lying south of Lake Superior.
- T. 47 N., R. 20 W., all that part lying south of Lake Superior.
- T. 47 N., R. 21 W., all that part lying south and west of Lake Superior.
- T. 48 N., R. 18 W., all that part lying south and east of Lake Superior.
- T. 48 N., R. 21 W., all that part lying south and west of Lake Superior.

Revocation of designated Executive Orders.

The Executive Order of June 4, 1856, withdrawing public land for lighthouse purposes, is hereby revoked. Executive Order No. 4430 of April 23, 1926, and Executive Order No. 6964 of February 5, 1935, as amended, withdrawing public lands for classification, are hereby revoked in so far as they affect any of the above-described lands.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this third day of January in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

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CORRECTING A PORTION OF PROCLAMATION ENLARGING THE  
MARQUETTE NATIONAL FOREST—MICHIGAN

January 11, 1939  
[No. 2310]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Marquette National Forest, Mich.  
Preamble.  
*Ante*, p. 2807; *post*, p. 2841.

WHEREAS errors have been discovered in the following paragraph contained in Proclamation No. 2313 of November 25, 1938, enlarging the Marquette National Forest in the State of Michigan:

“The Executive Orders of July 21, 1874, and October 20, 1874, withdrawing public lands for lighthouse purposes are hereby revoked, and Executive Order No. 4430 of April 23, 1926, withdrawing public lands for classification, is hereby revoked in so far as it affects any of the above-described lands.”

Correction of paragraph of previous proclamation.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that the aforesaid paragraph is hereby corrected to read as follows:

“The Executive Order of July 21, 1874, withdrawing public lands for lighthouse purposes, is hereby revoked. The Executive Order of October 20, 1874, withdrawing public lands for lighthouse purposes, and Executive Order No. 4430 of April 23, 1926, withdrawing public lands for classification, are hereby revoked in so far as they affect any of the above-described lands.”

Reestablishment of Executive Order of October 20, 1874, as modified.

And I do further proclaim that the aforesaid Executive Order of October 20, 1874, is hereby reestablished, subject to the modification thereof made by this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of January in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

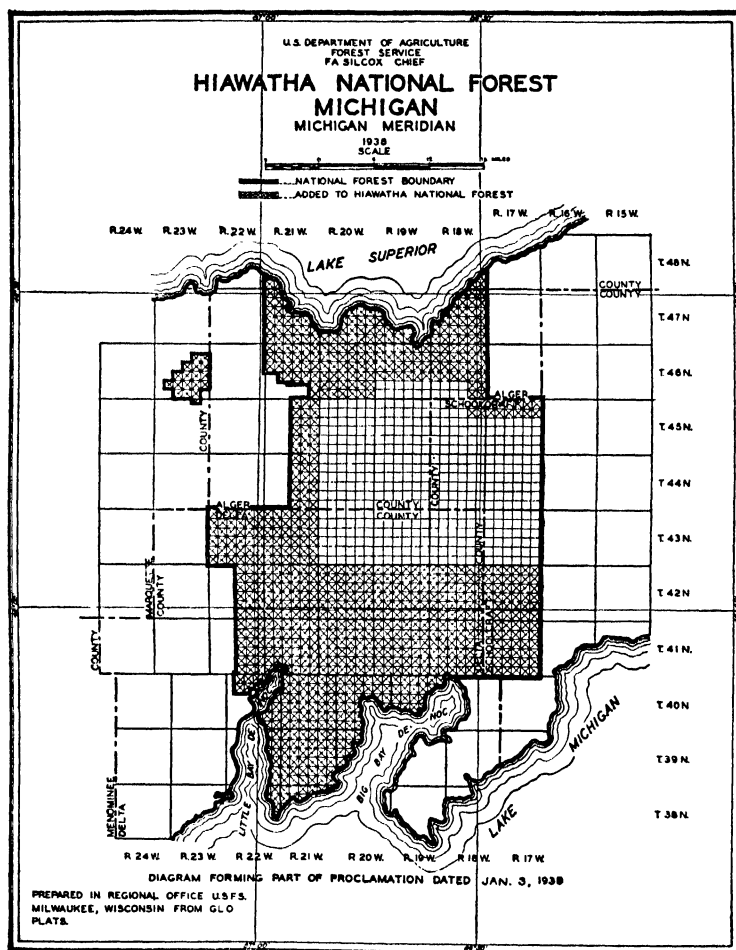
FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*







## BADLANDS NATIONAL MONUMENT—SOUTH DAKOTA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 25, 1939

[No. 2320]

## A PROCLAMATION

WHEREAS the act of March 4, 1929, 45 Stat. 1553, provides for the establishment of a national monument to be known as the Badlands National Monument upon certain lands in the State of South Dakota when a quantum of such lands satisfactory to the Secretary of the Interior shall have been acquired by and transferred to the United States for monument purposes, and when certain other conditions set forth in the said act shall have been complied with; and

WHEREAS Title II of the act of June 26, 1936, 49 Stat. 1979, authorizes the extension of the boundaries of the said monument to include certain adjacent or contiguous lands as may be determined by the President within five years from the approval of that act to be necessary for the proper rounding out of the boundaries of the said monument or the administration thereof, providing the entire area of said monument shall not exceed 250,000 acres; and

WHEREAS all the conditions precedent of the above-mentioned acts have been complied with:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of and pursuant to the authority vested in me by section 6 of the aforesaid act of March 4, 1929, and Title II of the aforesaid act of June 26, 1936, do proclaim that, subject to all valid existing rights, the following-described lands in South Dakota are hereby set aside, dedicated, and reserved as the Badlands National Monument:

Badlands National  
Monument, S. Dak.  
Preamble.  
45 Stat. 1553.  
16 U. S. C. § 441.

49 Stat. 1979.  
16 U. S. C., Supp.  
IV, § 441a (note).

Lands reserved as.

## BLACK HILLS MERIDIAN

Description.

*South Dakota*

- T. 3 S., R. 13 E., sec. 12, S½;  
sec. 13, all;  
sec. 23, S½;  
secs. 24 to 26, inclusive;  
secs. 31 to 36, inclusive;  
T. 4 S., R. 13 E., secs. 3 to 10, inclusive;  
secs. 15 to 22, inclusive;  
T. 1 S., R. 14 E., sec. 34, S½ N½, S½;  
sec. 35, S½ N½, S½;  
sec. 36, S½ N½, S½;  
T. 2 S., R. 14 E., secs. 1 to 3, inclusive;  
secs. 10 to 15, inclusive;  
sec. 16, E½;  
sec. 21, E½;  
secs. 22 to 27, inclusive;  
sec. 28, E½;  
secs. 33 to 36, inclusive;  
T. 3 S., R. 14 E., secs. 1 to 4, inclusive;  
sec. 7, S½;  
sec. 8, S½;  
secs. 9 to 19, inclusive;  
secs. 22 to 27, inclusive;  
sec. 35, all;  
sec. 36, all;

- T. 1 S., R. 15 E., sec. 31, S $\frac{1}{2}$  N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 sec. 32, all;  
 sec. 33, S $\frac{1}{2}$ ;
- T. 2 S., R. 15 E., sec. 1, SW $\frac{1}{4}$ ;  
 secs. 2 to 36, inclusive;
- T. 3 S., R. 15 E., secs. 1 to 10, inclusive;  
 sec. 11, W $\frac{1}{2}$ , W $\frac{1}{2}$  E $\frac{1}{2}$ ;  
 sec. 14, W $\frac{1}{2}$ , W $\frac{1}{2}$  E $\frac{1}{2}$ ;  
 secs. 15 to 21, inclusive;  
 sec. 22, W $\frac{1}{2}$ ;  
 sec. 27, W $\frac{1}{2}$ ;  
 secs. 28 to 33, inclusive;  
 sec. 34, W $\frac{1}{2}$ ;
- T. 2 S., R. 16 E., sec. 7, S $\frac{1}{2}$ ;  
 sec. 8, S $\frac{1}{2}$ ;  
 secs. 14 to 23, inclusive, 26 to 35, inclusive;
- T. 3 S., R. 16 E., sec. 1, S $\frac{1}{2}$ ;  
 sec. 2, all;  
 sec. 3, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 sec. 11, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 sec. 12, all;  
 sec. 13, all;  
 sec. 24, all;
- T. 3 S., R. 17 E., sec. 6, W $\frac{1}{2}$  SW $\frac{1}{4}$ ;  
 secs. 7 to 29, inclusive;  
 secs. 32 to 36, inclusive;
- T. 4 S., R. 17 E., secs. 1 to 5, inclusive;  
 secs. 8 to 17, inclusive;  
 secs. 20 to 23, inclusive;
- T. 3 S., R. 18 E., secs. 13 to 30, inclusive;  
 sec. 32, N $\frac{1}{2}$ ;  
 sec. 33, N $\frac{1}{2}$ ;  
 sec. 34, N $\frac{1}{2}$ ;  
 sec. 35, N $\frac{1}{2}$ ;  
 sec. 36, N $\frac{1}{2}$ ;
- T. 3 S., R. 19 E., secs. 16 to 21, inclusive;  
 secs. 28 to 30, inclusive;  
 sec. 31, N $\frac{1}{2}$ ;  
 sec. 32, N $\frac{1}{2}$ ;  
 sec. 33, N $\frac{1}{2}$ ;
- CONTAINING 150,103.41 acres.

Revocation of Executive Order No. 6909.

Executive Order No. 6909 of November 21, 1934, withdrawing certain lands in South Dakota for the use of the Federal Emergency Relief Administration, is hereby revoked in so far as it affects any of the above-described lands.

Warning against unauthorized acts.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument, and not to locate or settle upon any of the lands thereof.

Supervision.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

39 Stat. 535.  
 16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of January in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

## ENLARGING CARLSBAD CAVERNS NATIONAL PARK—NEW MEXICO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 3, 1939

[No. 2321]

### A PROCLAMATION

WHEREAS the act of May 14, 1930, c. 272, 46 Stat. 279, established the Carlsbad Caverns National Park, in the State of New Mexico, and authorizes the President upon the recommendation of the Secretary of the Interior to enlarge the said Park by including therein any or all of certain lands described in the said act; and

Carlsbad Caverns  
National Park, N.  
Mex.  
Preamble.  
46 Stat. 279.  
16 U. S. C. §§ 407-  
407c.

WHEREAS the Secretary of the Interior has recommended that certain of such lands be added to the said Park; and

WHEREAS it appears that it would be in the public interest to include such lands within the said Park for the preservation of their natural state and outstanding scenic features:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States America, under and by virtue of authority vested in me by section 4 of the aforesaid act of May 14, 1930, do proclaim that, subject to all valid existing rights, the following-described lands, in the State of New Mexico, are hereby added to and made a part of the Carlsbad Caverns National Park:

Lands added.

### NEW MEXICO PRINCIPAL MERIDIAN

Description.

T. 25 S., R. 22 E., secs. 24, 25, 35 and 36 (unsurveyed).

T. 26 S., R. 22 E., sec. 1, N $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

sec. 2, all;

sec. 11, all;

sec. 12, W $\frac{1}{2}$ W $\frac{1}{2}$ ;

sec. 13, W $\frac{1}{2}$ W $\frac{1}{2}$ ;

sec. 14, all.

T. 25 S., R. 23 E., secs. 1 to 33, inclusive.

T. 26 S., R. 23 E., sec. 6, lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 24 S., R. 24 E., secs. 27 to 29 and 31 to 34, inclusive.

T. 25 S., R. 24 E., secs. 3 to 10, inclusive;

sec. 11, W $\frac{1}{2}$ ;

sec. 14, W $\frac{1}{2}$ ;

sec. 15 to 18, inclusive.

CONTAINING 39,488.41 acres.

The administration, protection, and development of the said Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof, and to all other laws, rules, and regulations applicable to the said Park.

Administration.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

Nothing herein contained shall affect any privately-owned lands within this area or any valid existing claim, location, or entry on said

Privately owned  
lands within area.

lands made under the land laws of the United States; but if any of the privately-owned lands are conveyed to the United States, or any existing claim, location, or entry is canceled, the lands so affected shall become a part of the said Park.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 3rd day of February in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

# CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT LOUISIANA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

February 7, 1939

[No. 2322]

Lacassine Bayou  
adjacent to Lacassine  
Migratory Waterfowl  
Refuge, La.  
Preamble.  
40 Stat. 755.  
16 U. S. C. §§ 703-  
711; Supp. IV, §§ 703-  
705, 707, 708, 709a.

WHEREAS the Secretary of Agriculture has submitted to me for approval the following regulation adopted by him on January 9, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755):

### REGULATION DESIGNATING AS CLOSED AREA PART OF LACASSINE BAYOU ADJACENT TO LACASSINE MIGRATORY WATERFOWL REFUGE, LOUISIANA

Regulation design-  
ating part of Lacas-  
sine Bayou as closed  
area.

By virtue of and pursuant to the authority vested in me by section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), I, H. A. Wallace, Secretary of Agriculture, do hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill migratory birds is not permitted, all that part of Lacassine Bayou from its intersection with the north boundary of Sec. 15, T. 12 S., R. 5 W., Louisiana Meridian, to its mouth or point of confluence with Grand Lake, and lying adjacent to the areas in Cameron Parish, La., established as the Lacassine Migratory Waterfowl Refuge, by Executive Order No. 7780, dated December 30, 1937;

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918:

Regulation ap-  
proved and pro-  
claimed.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation of the Secretary of Agriculture.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of February in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America [SEAL] the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## ARMY DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 15, 1939

[No. 2328]

## A PROCLAMATION

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st session (50 Stat. 1108) provides:

Army Day.  
Preamble.  
50 Stat. 1108.

Annual recognition  
provided for.

"That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the aforesaid concurrent resolution, do hereby declare April 6, 1939, as Army Day, and I hereby invite the Governors of the several States to issue Army Day proclamations; and, acting under the authority vested in me as Commander in Chief, I hereby order military units throughout the United States, its Territories and possessions, to assist civic bodies in the appropriate observance of that day.

April 6, 1939, designation as.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 15<sup>th</sup> day of March, in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## CANCER CONTROL MONTH—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 17, 1939

[No. 2324]

## A PROCLAMATION

WHEREAS Public Resolution No. 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), authorizes and requests the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month, and to invite similar action on the part of the Governors of the several States, Territories, and possessions of the United States; and

Cancer Control  
Month, 1939.  
Preamble.  
52 Stat. 148.  
36 U. S. C., Supp.  
IV, § 150.

WHEREAS such Public Resolution requests that such proclamations invite the medical profession, the press, and all agencies and individuals interested in a national program for the control of the disease of cancer, by education and other cooperative means, to unite during the month of April in a public dedication to such program and in a concerted effort to impress upon the people of the Nation the necessity for such a program; and

WHEREAS through the National Cancer Institute of the United States Public Health Service, the Federal government is leading the way in advancing research, in promoting effective treatment methods and in advocating the provision of adequate facilities for cancer patients, as are the several States which have adopted programs for the control of cancer, as well as voluntary groups led by the Women's Field Army which are engaged in a nation-wide educational campaign; and

WHEREAS medical authorities have assured the American people of the curability of many cases of cancer, a disease that now ranks second among the causes of death in the United States:

Month of April 1939  
set apart as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby set apart the month of April, 1939, as Cancer Control Month, and invite similar action on the part of the Governors of the several States, Territories, and possessions of the United States; and, in order that the American people may become better informed concerning the prevalence of cancer and the effective steps which can be taken to control it, I invite the medical profession, scientific groups, all organs of opinion, including the press, radio, and the motion picture industry, and all agencies and individuals interested in a national program for the control of the disease of cancer, to unite during the month of April, 1939, in a concerted effort to impress upon the people of the Nation the necessity for this program and the importance of constant vigilance in this fight for humanity.

DONE at the City of Washington this 17<sup>th</sup> day of March, in the year of our Lord nineteen hundred and thirty nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty third.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

#### CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT ARKANSAS

March 21, 1939

[No. 2325]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Big Lake Migratory  
Bird Refuge, Ark.  
Preamble,  
40 Stat. 755.  
16 U. S. C. §§ 703-  
711; Supp. IV, §§ 703-  
705, 707, 708, 709a.

WHEREAS the Secretary of Agriculture has submitted to me for approval the following regulation adopted by him on December 22, 1938, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755):

#### REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS ADJACENT TO THE BIG LAKE MIGRATORY BIRD REFUGE, ARKANSAS

Regulation designating certain lands and waters adjacent to, as closed area.  
40 Stat. 755.  
16 U. S. C. § 704;  
Supp. IV, § 704.

By virtue of and pursuant to the authority vested in me by section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16, U. S. C., 704), I, H. A. Wallace, Secretary of Agriculture, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill, migratory birds is not permitted, all areas of land and water adjacent to the Big



Lake Migratory Bird Refuge, in Mississippi County, Arkansas, not now owned or controlled by the United States within the following-described exterior boundary:

	Description.
Beginning at the corner common to secs. 21 and 22, T. 16 N., R. 9 E., Fifth Principal Meridian, in the line common to the States of Arkansas and Missouri.	
Thence with the line common to the States of Arkansas and Missouri,	
Easterly to the northwest corner of lot 1, sec. 22, T. 16 N., R. 9 E.;	
Thence in sec. 22,	
Southerly to the one-quarter corner common to secs. 22 and 27;	
Thence between secs. 22 and 27,	
Easterly to the east right-of-way boundary of improvement No. 28 of Drainage District No. 17;	
Thence with said east right-of-way boundary in sec. 27,	
Southwesterly to the line common to secs. 27 and 34;	
Thence between secs. 27 and 34,	
Westerly to the northwest corner of the NE¼NW¼ of sec. 34;	
Thence in sec. 34,	
Southerly with the west one-sixteenth line to a point in the west right-of-way boundary of improvement No. 28;	
Southwesterly with said west right-of-way boundary to a point in the line common to sec. 3, T. 15 N., R. 9 E., and sec. 34, T. 16 N., R. 9 E.;	
Thence with said west right-of-way boundary in T. 15 N., R. 9 E.,	
Southerly through sec. 3;	
Southeasterly through sec. 10, to the line common to secs. 10 and 11;	
Thence between secs. 10 and 11,	
Southerly to the corner common to secs. 10, 11, 14, and 15;	
Thence between secs. 11 and 14,	
Easterly to the west right-of-way boundary of improvement No. 28;	
Thence with said west right-of-way boundary in sec. 14,	
Southeasterly to the north-south center line;	
Thence with the north-south center line,	
Northerly to the east right-of-way boundary of improvement No. 28;	
Thence with said east right-of-way boundary,	
Southeasterly and southerly to the east-west center line;	
Thence with said center line,	
Westerly to the west right-of-way boundary of improvement No. 28;	
Thence with said west right-of-way boundary,	
Southerly to the south one-sixteenth line;	
Thence with the south one-sixteenth line,	
Easterly to the east right-of-way boundary of improvement No. 28;	
Thence with said east right-of-way boundary,	
Southerly to the line common to secs. 14 and 23;	
Southerly in sec. 23 to the east-west center line;	
Thence with said center line,	
Westerly to the west right-of-way boundary of improvement No. 28;	

Thence with said west right-of-way boundary,  
Southerly to the line common to secs. 23 and 26;  
Southeasterly through sec. 26 to the corner common to secs.  
25, 26, 35, and 36;  
Southwesterly in sec. 35 to the east-west center line;  
Thence with said center line,  
Easterly to the east right-of-way boundary of improvement  
No. 28;  
Thence with said east right-of-way boundary,  
Southwesterly to the line common to sec. 2, T. 14 N., R.  
9 E., and sec. 35, T. 15 N., R. 9 E.;  
Thence between sec. 2, T. 14 N., R. 9 E., and sec. 35, T. 15  
N., R. 9 E.,  
Westerly to the one-quarter corner common to said sections;  
Thence in sec. 2, T. 14 N., R. 9 E.,  
Southerly to the center north one-sixteenth corner;  
Easterly with the north one-sixteenth line to the east right-  
of-way boundary of improvement No. 28;  
Thence with the said east right-of-way boundary,  
Southwesterly to the west one-sixteenth line;  
Thence with said one-sixteenth line,  
Northerly to the west right-of-way boundary of improve-  
ment No. 28;  
Thence with said west right-of-way boundary,  
Southwesterly to the line common to secs. 2 and 11;  
Southwesterly through sec. 11;  
Southwesterly in sec. 10 to the center west one-sixteenth  
corner;  
Thence with the west one-sixteenth line,  
Southerly to the southerly right-of-way boundary of im-  
provement No. 28;  
Thence with said southerly right-of-way boundary,  
Southwesterly to the line common to secs. 9 and 10;  
Thence between secs. 9 and 10,  
Northerly to the theoretical one-quarter corner of said secs.;  
Thence in sec. 10,  
Easterly to the center west one-sixteenth corner;  
Northerly to the west one-sixteenth corner of secs. 3 and 10;  
Thence between secs. 3 and 10,  
Westerly to the corner common to secs. 3, 4, 9 and 10;  
Thence between secs. 4 and 9,  
Westerly to the meander corner on the east shore of Little River;  
Thence in sec. 4,  
Northeasterly with the east shore meanders of Little River  
to the meander corner common to secs. 3 and 4;  
Thence crossing Little River,  
Northerly to the north shore meander corner common to  
secs. 3 and 4;  
Thence between secs. 3 and 4,  
Northerly to the line common to Tps. 14 and 15 N., R. 9 E.;  
Thence with said township line,  
Easterly to the corner common to secs. 33 and 34, T. 15 N.,  
R. 9 E.;  
Thence between secs. 33 and 34, T. 15 N., R. 9 E.,  
Northerly to the southeast corner of lot 5, sec. 33;  
Thence in sec. 33,  
Westerly to the southwest corner of lot 5;  
Northerly to the northwest corner of lot 4;  
Westerly with the north one-sixteenth line to the re-estab-  
lished meander line of Big Lake;

Thence with the re-established meander line of Big Lake,  
 Northerly to the line common to secs. 28 and 33;  
 Northerly through secs. 28, 21, and 16 to the northerly right-  
 of-way boundary of Drainage District No. 16;  
 Thence with said northerly right-of-way boundary,  
 Northwesterly in sec. 17 to the east-west center line;  
 Thence with said center line,  
 Easterly to the northeast corner of lot 3;  
 Thence between secs. 16 and 17,  
 Northerly to the corner common to secs. 8, 9, 16, and 17;  
 Thence between secs. 8 and 9,  
 Northerly to the northwest corner of sec. 9;  
 Thence between secs. 5, and 9,  
 Easterly to the southeast corner of sec. 5;  
 Thence between secs. 4 and 9,  
 Easterly to the southwest corner of lot 13, sec. 4;  
 Thence in sec. 4,  
 Northerly to the northwest corner of lot 2;  
 Thence between sec. 4, T. 15 N., R. 9 E., and sec. 33, T. 16 N.,  
 R. 9 E.,  
 Easterly to the meander corner on the west shore of Little  
 River;  
 Thence in sec. 33, T. 16 N., R. 9 E.,  
 Northerly with the west shore meander of Little River, to the  
 east-west center line;  
 Westerly to the center one-quarter corner;  
 Northerly to the one-quarter corner common to secs. 28  
 and 33;  
 Thence in sec. 28,  
 Northerly with the center line to the re-established meander  
 line of Big Lake;  
 Northeasterly with said re-established meander line to the  
 line common to secs. 21 and 28;  
 Thence in sec. 21,  
 Northerly with the re-established meander line of Big Lake to  
 the north line of Lot 2;  
 Easterly with said lot line to the south one-sixteenth corner  
 of secs. 21 and 22;  
 Thence between secs. 21 and 22,  
 Northerly to the place of beginning; and

WHEREAS upon consideration it appears that the foregoing  
 regulation will tend to effectuate the purposes of the aforesaid Mi-  
 gratory Bird Treaty Act of July 3, 1918:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, Presi-  
 dent of the United States of America, under and by virtue of the  
 authority vested in me by the aforesaid Migratory Bird Treaty Act  
 of July 3, 1918, do hereby approve and proclaim the foregoing regula-  
 tion of the Secretary of Agriculture.

Regulation approved  
 and proclaimed.

IN WITNESS WHEREOF I have hereunto set my hand and  
 caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of March in the  
 year of our Lord nineteen hundred and thirty-nine, and  
 of the Independence of the United States of America the  
 one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President,  
 SUMNER WELLES  
*Acting Secretary of State.*

March 23, 1939

[No. 2826]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Trade agreement  
with Czechoslovakia.  
Preamble.  
48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. § 1351;  
Supp. IV, §§ 1351,  
1352 (c).

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

*And*, pp. 2298, 2337.

WHEREAS, pursuant to the said Tariff Act of 1930, as amended, I entered into a foreign Trade Agreement on March 7, 1938, with the President of the Czechoslovak Republic, which Agreement was amended by a Protocol of Amendment signed on April 15, 1938;

WHEREAS, by my Proclamations of March 15, 1938, and April 15, 1938, I did make public the said Trade Agreement, as amended

by the said Protocol of Amendment, in order that the said Agreement as amended should be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after April 16, 1938;

WHEREAS the occupation of the Czechoslovak Provinces of Bohemia, Moravia and Slovakia by armed forces of Germany, and of the Province of Ruthenia by armed forces of Hungary and the assumption of de facto administrative control over these Provinces by Germany and Hungary renders impossible the present fulfillment by the Czechoslovak Republic of its obligations under the said Agreement;

WHEREAS this condition will obtain so long as such occupation and administration continue;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim that my Proclamations of March 15, 1938, and April 15, 1938, shall be terminated in whole on the thirtieth day after the date of this my Proclamation.

Termination of proclamations of March 15 and April 15, 1938.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-third day of March in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO SPAIN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 1, 1939  
[No. 2327]

### A PROCLAMATION

WHEREAS Public Resolution No. 1, 75th Congress, approved January 8, 1937, provides in part as follows:

Export of arms, ammunition, and implements of war to Spain.  
Preamble.  
50 Stat. 3.

"That during the existence of the state of civil strife now obtaining in Spain it shall, from and after the approval of this Resolution be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to Spain or to any other foreign country for transshipment to Spain or for use of either of the opposing forces in Spain. Arms, ammunition, or implements of war, the exportation of which is prohibited by this Resolution, are those enumerated in the President's Proclamation No. 2163 of April 10, 1936."

AND WHEREAS it is provided further by said joint resolution of January 8, 1937, that

"When in the judgment of the President the conditions described in this Resolution have ceased to exist, he shall proclaim such fact, and the provisions hereof shall thereupon cease to apply."

50 Stat. 1891.

50 Stat. 121.  
22 U. S. C., Supp.  
IV, §§ 2456-2457.49 Stat. 1081, 1152.  
22 U. S. C., Supp.  
IV, §§ 2456-2457.

• AND WHEREAS by my Proclamation No. 2236 of May 1, 1937, issued pursuant to the provisions of sections 1 and 11 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war," approved August 31, 1935, as amended February 29, 1936, it was declared that a state of civil strife unhappily existed in Spain and that such civil strife was of a magnitude and was being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to Spain would threaten and endanger the peace of the United States:

AND WHEREAS section 1 (g) of the said joint resolution of May 1, 1937, provides that

"Whenever, in the judgment of the President, the conditions which have caused him to issue any proclamation under the authority of this section have ceased to exist, he shall revoke the same, and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed, or forfeitures incurred, prior to such revocation."

Revocation of proclamation of May 1, 1937.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the aforesaid joint resolutions, do hereby proclaim that in my judgment the state of civil strife in Spain described in said joint resolution of January 8, 1937, and the conditions which caused me to issue the said proclamation of May 1, 1937, have ceased to exist, and I do hereby revoke said proclamation of May 1, 1937. Accordingly, the provisions of the said joint resolution of January 8, 1937, and of the said proclamation of May 1, 1937, no longer apply.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of April, in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## CHILD HEALTH DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Child Health Day,  
1939.  
Preamble.  
45 Stat. 617.  
36 U. S. C. § 143.

WHEREAS the Congress by joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS the health of children is of great concern to all citizens: NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate May 1, 1939, as Child Health Day, and urge each community to consider how the knowledge of the best methods of promoting health may be spread among all those responsible for the care of children and how proper provision may be made to insure care for the health of all children. And I also call upon the children of each community to celebrate this year's gains in health and growth, and to consider how they may do their part in promoting their own health and the health of the Nation.

May 1, 1939, designated as.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 4th day of April in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

#### CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT GEORGIA AND SOUTH CAROLINA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

WHEREAS the Secretary of Agriculture has submitted to me for approval the following regulation adopted by him on March 1, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755):

#### REGULATION DESIGNATING AS CLOSED AREA CERTAIN WATERS ADJACENT TO THE SAVANNAH RIVER WILDLIFE REFUGE, GEORGIA AND SOUTH CAROLINA

By virtue of and pursuant to the authority vested in me by section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), I, H. A. Wallace, Secretary of Agriculture, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill migratory birds is not permitted, the channels of the Savannah River known as Steamboat River and Houstown Cut, between Front and Middle Rivers; Middle River from the head of Argyle Island to its confluence with Front River; and Back River from the mouth of Union Creek to the foot of Argyle Island, adjacent to the areas in Chatham County, Georgia, and Jasper County, South Carolina, established as the Savannah River Wildlife Refuge by Executive Order No. 5748, of November 12, 1931, and enlarged by Executive Order No. 7391, of June 17, 1936.

Savannah River Wildlife Refuge, Ga. and S. C.  
Preamble.  
40 Stat. 755.  
16 U. S. C. §§ 703-711; Supp. IV, §§ 703-705, 707, 708, 709a.

Regulation designating certain waters adjacent to, as closed area.  
40 Stat. 755.  
16 U. S. C. § 704; Supp. IV, § 704.

WHEREAS upon consideration it appears that the foregoing regulation is in the public interest and will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918:

Regulation approved  
and proclaimed.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation of the Secretary of Agriculture.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of April in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

# EXCLUDING CERTAIN LANDS FROM THE TONGASS NATIONAL FOREST AND ADDING THEM AND OTHER LANDS TO THE GLACIER BAY NATIONAL MONUMENT—ALASKA

April 18, 1939  
[No. 2330]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Glacier Bay National Monument,  
Alaska.  
Preamble.

WHEREAS it appears that certain public lands, part of which are within the Tongass National Forest, adjacent to the Glacier Bay National Monument, in Alaska, have situated thereon glaciers and geologic features of scientific interest; and

WHEREAS a portion of the aforesaid public lands contiguous to the said monument are necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands included within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve all of the aforesaid public lands as a part of the said monument:

Lands excluded from  
Tongass National Forest  
and other lands  
added to.  
30 Stat. 36.  
16 U. S. C. § 473.  
34 Stat. 225.  
16 U. S. C. § 431.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 34, 36 (U. S. C., title 16, sec. 473), and the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that all of the following-described lands which lie within the Tongass National Forest, in Alaska, are excluded therefrom, and that, subject to valid existing rights, all the following-described lands in Alaska are hereby added to and made a part of the said Glacier Bay National Monument:

Description.

Beginning at the summit of Mount Fairweather, on the International Boundary line between Alaska and British Columbia; thence southeasterly along present southern boundary of Glacier Bay National Monument to the point of the divide between the waters of Glacier Bay and Lynn Canal where said divide is forked by the headwaters of Excursion Inlet; thence easterly and southeasterly along the divide between the waters of Excursion Inlet and Lynn Canal to a point in approximate latitude 58°27' N., longitude 135°18' W., where said divide meets a subsidiary divide between streams flowing into Excursion Inlet; thence westerly and northwesterly along said subsidiary divide to the east shore of Excursion Inlet; thence due west to the center of the principal channel of Excursion Inlet; thence southerly along the center of the principal channel of Excursion Inlet to its



junction with the Icy Passage; thence westerly and south-westerly along the center of Icy Passage, North Passage, North Indian Pass, and Cross Sound to the Pacific Ocean; thence northwesterly following the general contour of the coast at a distance of 3 nautical miles therefrom to a point due west of the mouth of Seaotter Creek; thence due east to the north bank of Seaotter Creek and easterly along the north bank of Seaotter Creek to its headwaters; thence in a straight line to the summit of Mount Fairweather, the place of beginning. Containing approximately 904,960 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Warning against unauthorized acts.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision, etc.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 18<sup>th</sup> day of April in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## EMPLOYMENT WEEK AND EMPLOYMENT SUNDAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 26, 1939  
[No. 2331]

## A PROCLAMATION

As industry and business make substantial progress towards recovery there are ever-increasing employment opportunities for all groups. It is important to our social equilibrium that these opportunities be equitably shared, and that no group in the population shall feel itself discriminated against in hiring policies. It is particularly important that those men and women who have reached the age where their family responsibilities are at a peak receive their fair share of the new jobs, and are at least allowed to compete for these openings on the basis of their actual qualifications, freed from the handicap of an unfounded prejudice against age alone.

Employment Week  
and Employment  
Sunday  
Preamble.

I am mindful of the fact that among those over forty years of age are a great body of our most experienced, able, and competent workers; that this group as a whole is not sharing as fully as other age groups in the employment revival; that many of those over forty have lost their jobs through no personal failing but because of circumstances over which they, and their employers, had no direct control; that among those over forty and still actively in the labor market are practically the entire group of World War veterans (whose average age is 46), a group that is surely entitled to look to our society for security and economic independence.

A committee of distinguished representatives of industry, labor, and the public has recently issued its report to the Secretary of Labor in which it analyzes the factual basis for the alleged prejudice against hiring middle-aged workers and finds no good reasons that would support the continuance of this prejudice.

In view of these considerations, I should like to ask employers throughout the country to give special consideration to this problem of the middle-aged worker, to review and re-examine their current policies in order to determine whether applicants who are over forty years of age are being given a fair opportunity to qualify for jobs, and to study their various departments and processes with a view to seeing where the qualifications and abilities of these older applicants could be utilized. I want to urge social agencies, labor organizations, and the general public to join in giving this problem their earnest consideration:

Week beginning  
Apr. 30, 1939, declared  
as Employment  
Week.

Sunday, Apr. 30,  
1939, declared as Em-  
ployment Sunday.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby declare the week beginning April 30, 1939, as Employment Week, and do hereby declare Sunday, April 30, 1939, as Employment Sunday, and urge all churches, civic organizations, Chambers of Commerce, veterans organizations, industry, labor, and the press, throughout the United States to observe that week and that Sunday as Employment Week and Employment Sunday to the end that interest in the welfare of the older workers may be stimulated and employment opportunity afforded them.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26<sup>th</sup> day of April in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President,  
CORDELL HULL  
*Secretary of State.*

#### ENLARGING THE WHITMAN NATIONAL FOREST—OREGON

April 26, 1939  
[No. 2332]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Whitman National  
Forest, Oreg.  
Preamble.

WHEREAS the hereinafter-described public lands in the State of Oregon have been found to be chiefly valuable for national-forest purposes; and

43 Stat. 1282.

WHEREAS such lands are within the limitations contained in the act of March 4, 1925, entitled "An Act To authorize the addition of certain lands to the Whitman National Forest", c. 541, 43 Stat. 1282; and

WHEREAS it appears that the addition of such lands to the Whitman National Forest would be in the public interest:

Lands added to  
and reserved as part  
of.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the aforesaid act of March 4, 1925, do proclaim that, subject to all valid existing claims, the following-described public lands in the State of Oregon are hereby added to, and reserved as a part of, the Whitman National Forest:

*Willamette Meridian*

Description.

- T. 10 S., R. 38 E.,  
 sec. 3, lot 2;  
 T. 11 S., R. 38 E.,  
 sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 T. 11 S., R. 40 E.,  
 sec. 31, lots 3 and 4;  
 aggregating 626.25 acres.

Executive Orders No. 4220 of May 8, 1925, and No. 6910 of November 26, 1934, as amended, withdrawing public lands for classification, are hereby revoked so far as they affect any of the above-described lands.

Partial revocation of designated Executive orders.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 26<sup>th</sup> day of April, in the year of our Lord nineteen hundred and thirty-nine, and  
 [SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## CACHE NATIONAL FOREST—IDAHO AND UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 26, 1939

[No. 2333]

## A PROCLAMATION

WHEREAS it appears that the public lands in the hereinafter-described area in Utah within a grazing district established by the Secretary of the Interior April 8, 1935, under the provisions of the act of June 28, 1934, c. 865, 48 Stat. 1269, lie within a watershed forming a part of the Cache National Forest and can best be administered in connection with such national forest:

Cache National Forest, Idaho and Utah.

48 Stat. 1269,  
 43 U. S. C. ch. 8A;  
 Supp. IV, ch. 8A.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 13 of the aforesaid act of June 28, 1934, as amended (U. S. C., title 43, sec. 315L), section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), do proclaim that the following-described lands are hereby transferred from the grazing district and included in and made a part of the Cache National Forest, and that such lands shall be subject to all the laws and regulations relating to national forests:

Lands transferred to.

48 Stat. 1274.  
 43 U. S. C. § 316L.  
 26 Stat. 1103.  
 16 U. S. C. § 471.  
 30 Stat. 36.  
 16 U. S. C. § 473.

*Salt Lake Meridian*

Description.

- T. 5 N., R. 1 E.,  
 sec. 1, all,  
 secs. 9 to 24, inclusive,  
 sec. 26, N $\frac{1}{2}$ ,  
 sec. 27, N $\frac{1}{2}$ ,  
 sec. 28, N $\frac{1}{2}$ ,  
 sec. 29, N $\frac{1}{2}$ ,  
 sec. 30, N $\frac{1}{2}$ ;

- T. 7 N., R. 1 E.,  
secs. 1 to 5, inclusive,  
sec. 8, NE $\frac{1}{4}$ ,  
secs. 9, 10, 11, 13 and 15,  
sec. 16, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ,  
sec. 22, N $\frac{1}{2}$ ,  
sec. 23, all,  
sec. 25, N $\frac{1}{2}$ ,  
sec. 26, N $\frac{1}{2}$ ;
- T. 8 N., R. 1 E.,  
secs. 1, 2, 3, 5, 6 and 7,  
secs. 9 to 17, inclusive,  
sec. 19, all,  
secs. 21 to 36, inclusive;
- T. 9 N., R. 1 E.,  
secs. 1, 12, 13 and 19,  
secs. 24 to 29 and 31 to 36, inclusive;
- T. 10 N., R. 1 E.,  
secs. 13, 24, 25 and 36;
- T. 5 N., R. 2 E.,  
secs. 1 to 29, inclusive,  
sec. 30, E $\frac{1}{2}$ ;
- T. 6 N., R. 2 E.,  
secs. 1, 2, 3 and 4,  
sec. 5, E $\frac{1}{2}$ ,  
sec. 9, NE $\frac{1}{4}$ ,  
sec. 10, N $\frac{1}{2}$ ,  
sec. 11, N $\frac{1}{2}$ ,  
secs. 13, 23, 24, 25 and 26,  
sec. 27, S $\frac{1}{2}$ ,  
sec. 28, S $\frac{1}{2}$ ,  
sec. 29, all,  
sec. 30, S $\frac{1}{2}$ ,  
secs. 31 to 36, inclusive;
- T. 7 N., R. 2 E.,  
secs. 1 to 9, inclusive,  
secs. 11, 13, 15, 16, 17, 19, 21, 23, 24, 25, 27 and 29,  
sec. 31, NE $\frac{1}{4}$ ,  
sec. 32, N $\frac{1}{2}$ ,  
secs. 33, 35 and 36;
- Tps. 8 and 9 N., R. 2 E., all;
- T. 10 N., R. 2 E.,  
sec. 2, all,  
sec. 7, S $\frac{1}{2}$ ,  
sec. 9, all,  
secs. 13 to 36, inclusive;
- T. 11 N., R. 2 E.,  
sec. 32, all;
- T. 5 N., R. 3 E.,  
secs. 2 to 11, 14 to 22 and 28 to 30, inclusive;
- T. 6 N., R. 3 E.,  
secs. 1 to 5 and 7 to 25, inclusive,  
secs. 27, 29, 31, 32, 33, 35 and 36;
- T. 7 N., R. 3 E.,  
secs. 2 to 9 and 11 to 21, inclusive,  
secs. 23 and 25,  
secs. 27 to 36, inclusive;
- T. 8 N., R. 3 E., all;

- T. 9 N., R. 3 E.,  
secs. 1 to 18, inclusive,  
secs. 21, 22, 23, 25 and 26,  
secs. 28 to 36, inclusive;
- T. 10 N., R. 3 E.,  
sec. 2, all,  
sec. 7, lots 2 to 16, inclusive, and SE¼,  
sec. 8, S½SW¼,  
secs. 12, 13, 16, 18, 19, 22, 24, 27 and 28,  
secs. 30 to 34, inclusive,  
sec. 36, all;
- T. 11 N., R. 3 E.,  
sec. 25, S¼,  
sec. 36, all;
- T. 6 N., R. 4 E.,  
secs. 1, 2, 3, 5, 7, 9, 11, 12 and 13,  
secs. 15 to 21, inclusive,  
secs. 23, 24, 25 and 27,  
secs. 29 to 33, inclusive,  
secs. 35 and 36;
- T. 7 N., R. 4 E.,  
secs. 2, 3, 4, 7, 10, 12, 13, 15, 16 and 17,  
secs. 19 to 27, and 29 to 36, inclusive;
- T. 9 N., R. 4 E.,  
sec. 2, all,  
sec. 19, S¼,  
secs. 23, 26, 27, 29, 30, 31, 32, 34, 35 and 36;
- T. 10 N., R. 4 E.,  
secs. 2, 3, 4, 5, 7, 11, 16, 18 and 36;
- T. 11 N., R. 4 E.,  
secs. 2, 3, 10, 11, 14, 15, 16, 22 and 23,  
secs. 26 to 32, inclusive;
- T. 12 N., R. 4 E.,  
sec. 36, all;
- T. 6 N., R. 5 E.,  
secs. 1, 2, 3 and 4,  
secs. 6 to 11, inclusive,  
secs. 13, 15, 16 and 17,  
secs. 19 to 23, inclusive,  
secs. 25, 27, 28 and 29,  
secs. 31 to 36, inclusive;
- T. 7 N., R. 5 E.,  
secs. 1, 2, 3, 5, 6, 7, 9, 11, 13, 15, 16, 17, 19, 20, 21, 23, 25,  
26, 27 and 29,  
secs. 31 to 36, inclusive;
- T. 10 N., R. 5 E.,  
secs. 16 and 32;
- T. 11 N., R. 5 E.,  
sec. 16;
- T. 6 N., R. 6 E.,  
secs. 3, 4, 5, 7, 9, 10, 15, 16, 17, 19, 21 and 22,  
secs. 25 to 36, inclusive;
- T. 7 N., R. 6 E.,  
secs. 7, 17, 18, 19, 21, 27, 29, 31, 32, 33 and 34;
- T. 5 N., R. 1 W.,  
secs. 13, 14 and 24,  
sec. 25, N¼;  
aggregating 392,686 acres.

Prior rights not  
affected.

The reservation made by this proclamation shall, as to all lands to which legal rights have been acquired under any of the public land laws or which are reserved for any public purpose, be subject to, and shall not interfere with or defeat such legal rights or prevent the use for such public purpose of lands so reserved, so long as such rights are legally maintained or such reservation remains in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28<sup>th</sup> day of April, in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

### NATIONAL MARITIME DAY—1939

May 4, 1939  
[No. 2334]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

National Maritime  
Day, 1939.  
Preamble.

WHEREAS on May 22, 1819, the steamship *The Savannah* sailed from Savannah, Georgia, on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation; and

48 Stat. 73.  
36 U. S. C. § 145.

WHEREAS the Congress by joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 of each year as National Maritime Day and requested the President to issue annually a proclamation calling upon the people of the United States to observe such National Maritime Day; and

WHEREAS it is fitting that the enterprise and achievements of the American merchant marine and the courage and patriotism of the officers and seamen of that merchant marine throughout our history be thus recognized;

Inviting observance  
of May 22, 1939, as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to observe May 22, 1939, as National Maritime Day by displaying the flag at their homes or other suitable places and do direct Government officials to display the flag on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 4<sup>th</sup> day of May in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

## NATIONAL FLOOD PREVENTION WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS Public Resolution No. 129, 75th Congress, approved June 29, 1938 (52 Stat. 1248), provides:

"That the Honorable Franklin D. Roosevelt, President of the United States, be, and he is hereby requested to proclaim the week of May 31, 1939, National Flood Prevention Week in the United States of America, and to ask the cooperation, interest, and aid of all the people in the work of flood prevention";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim the week beginning May 31, 1939, as National Flood Prevention Week, and do call upon the people of the United States to cooperate and aid in the work of flood prevention and to give serious consideration to such measures as may prevent disastrous floods and aid in the conservation of our national resources.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 4<sup>th</sup> day of May, in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

May 4, 1939  
[No. 2335]

National Flood Prevention Week.  
Preamble.  
52 Stat. 1248.

Week beginning  
May 31, 1939 pro-  
claimed as.

CORRECTING THE PROCLAMATIONS OF NOVEMBER 25, 1938, AND JANUARY 11, 1939, RELATING TO THE MARQUETTE NATIONAL FOREST—MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS the date of the Executive order of October 26, 1874, withdrawing public lands in Michigan for lighthouse purposes, is incorrectly stated as October 20, 1874, in Proclamation No. 2313 of November 25, 1938, enlarging the Marquette National Forest, in the State of Michigan, and in Proclamation No. 2319 of January 11, 1939, correcting the aforesaid proclamation:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that the aforesaid proclamations are hereby corrected by substituting the date "October 26, 1874," for the date "October 20, 1874," wherever the latter date may appear in such proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of May in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

May 11, 1939  
[No. 2336]

Marquette National Forest, Mich.  
Preamble.

Ante, p. 2505.

Ante, p. 2520.

Correction of previous proclamations.

## SANTA ROSA ISLAND NATIONAL MONUMENT—FLORIDA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

May 17, 1909  
[No. 2287]

Santa Rosa Island  
National Monument,  
Fla.  
Preamble.

WHEREAS certain Government-owned lands in the State of Florida have situated thereon various objects of geological and scientific interest; and

WHEREAS it appears that it would be in the public interest to reserve such lands as a national monument to be known as the Santa Rosa Island National Monument:

Establishment.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Florida are hereby reserved from all forms of appropriation under the public-land laws and set apart as the Santa Rosa Island National Monument:

Description.

*Tallahassee Meridian*

T. 2 S., R. 23 W.,	fractional secs. 19 to 29, inclusive;
T. 2 S., R. 24 W.,	" " 19 to 24, inclusive;
T. 2 S., R. 25 W.,	" " 19 to 24, and 26 to 30, inclusive;
T. 2 S., R. 26 W.,	" " 25 to 33, inclusive;
T. 2 S., R. 27 W.,	" " 33 to 36, inclusive;
T. 3 S., R. 27 W.,	" " 3 to 6, inclusive;
T. 3 S., R. 28 W.,	" " 1 to 12, inclusive,
	and sec. 18;
T. 3 S., R. 29 W.,	" secs. 12, 13, 14, 15, 22, and those
	parts of secs. 16 and 21 east of
	east boundary of the Fort Pickens
	Military Reservation (longitude 87°
	09' 52" W.), excluding small island
	in sec. 16 occupied by Bureau of
	Fisheries, containing 9500 acres.

Warning against un-  
authorized acts.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument, and not to locate or settle upon any of the lands thereof.

Supervision.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; U. S. C., title 16, secs. 1 and 2), and act supplementary thereto or amendatory thereof.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 17<sup>th</sup> day of May in the year of our Lord nineteen hundred and thirty-nine, and  
[SEAL] of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*



## AUSTRALIA—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 22, 1939

[No. 2338]

## A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

Australia, tonnage  
duties.  
Preamble.  
R. S. § 4228.  
30 Stat. 214.  
46 U. S. C. § 141.

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer."

AND WHEREAS satisfactory proof was received by me from the Government of Australia in a note from the Minister for External Affairs dated February 27, 1939, to the American Consul General at Sydney, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Australia upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

Discriminating  
duties discontinued.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Australia and the produce, manufactures, or merchandise imported in such vessels into the United States from Australia or from any other foreign country; the suspension to take effect from February 27, 1939, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Effective date; con-  
tinuance in effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 22<sup>d</sup> day of May in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

EXCLUDING CERTAIN LANDS FROM THE BEAVERHEAD NATIONAL FOREST AND ADDING THEM AND OTHER LANDS TO THE BIG HOLE BATTLEFIELD NATIONAL MONUMENT—MONTANA

June 29, 1939  
[No. 2339]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Big Hole Battlefield  
National Monument,  
Mont.  
Preamble.

WHEREAS the unsurveyed E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 24, T. 2 S., R. 17 W., P. M., Montana, was reserved by Executive Order No. 1216 of June 23, 1910, as the Big Hole Battlefield Monument;

WHEREAS upon survey it has been found that the area intended to be reserved by that Executive order is the five-acre tract designated as the "Big Hole Battlefield Monument" on General Land Office supplemental plat of the survey of sec. 24, approved July 19, 1917, and described by metes and bounds as follows:

Beginning at a point S. 0°1' W., 5.00 chs. and N. 89°42' E., 3.00 chs. from the northwest sixteenth-section corner of Sec. 24, T. 2 S., R. 17 W., M. P. M.; thence S. 0°2' W., 10.00 chs.; S. 89°42' W., 5.00 chs.; N. 10 chs.; N. 89°42' E., 5.00 chs.; to point of beginning;

WHEREAS it appears that certain public lands within the Beaverhead National Forest, adjacent to the Big Hole Battlefield Monument, are historic landmarks, forming a part of the battle grounds where Chief Joseph and a band of Nez Perce Indians were defeated by a detachment of United States Soldiers;

WHEREAS certain other public lands within the aforesaid national forest are contiguous to the said national monument and are necessary for the proper care, management, and protection of the historic landmarks included within the monument; and

WHEREAS it appears that it would be in the public interest to reserve all of the aforesaid public lands as a part of the said national monument:

Lands excluded  
from Beaverhead National  
Forest and certain  
other lands added  
to.

30 Stat. 36.  
16 U. S. C. § 473.  
34 Stat. 225.  
16 U. S. C. § 431.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that the above-mentioned Executive Order of June 23, 1910, is hereby construed in conformity with the supplemental plat of survey approved July 19, 1917, to embrace the tract described above by metes and bounds, as well as the area erroneously reserved thereby; and that the hereinafter-described lands are hereby excluded from the Beaverhead National Forest and, subject to valid existing rights, added to and made a part of the said monument, which is hereby designated as the Big Hole Battlefield National Monument:

Description.

*Montana Principal Meridian*

T. 2 S., R. 17 W., sec. 24, lots 1 and 2, N $\frac{1}{2}$  NW $\frac{1}{4}$ ;  
sec. 23, E $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ;  
comprising 195 acres.

Warning against un-  
authorized acts.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of June in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

## MODIFICATION OF POSTAGE RATES

BY THE PRESIDENT OF THE UNITED STATES

June 30, 1939

[No. 2340]

## A PROCLAMATION

WHEREAS the interests of the public and the promotion of the cultural growth, education, and development of the American people require the continuation of the postage rates on books as prescribed by Proclamation No. 2309 of October 31, 1938:

Postage rates.  
Preamble.

Ante, p. 2497.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States, under and by virtue of the authority vested in me by section 2 of the act of June 16, 1933, 48 Stat. 254, as amended by section 515 of title III of the act of May 10, 1934, 48 Stat. 760, Public Resolution 36, approved June 28, 1935, 49 Stat. 431, Public Resolution 48, approved June 29, 1937, 50 Stat. 358, and section 1 of title I of the Revenue Act of 1939, approved June 29, 1939, (Public No. 155, 76th Congress, 1st Session), do proclaim that the postage rate on books consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General shall prescribe, shall, for the period commencing July 1, 1939, and ending June 30, 1941, continue to be one and one-half cents a pound or fraction thereof, irrespective of the zone of destination.

Rate on books of designated class continued in effect.  
48 Stat. 254, 760; 49 Stat. 431; 50 Stat. 358; ante, p. 862.  
39 U. S. C. § 280 (note); Supp. IV, § 280 (note).

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30<sup>th</sup> day of June in the year of our Lord nineteen hundred and thirty-nine and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## LIGHTHOUSE WEEK

July 19, 1939  
[No. 2341]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Lighthouse Week.  
Preamble.  
*Act*, p. 746.  
Designation of.

WHEREAS Public Resolution 16, 76th Congress (53 Stat. 746), approved May 15, 1939, provides in part:

"That the week commencing August 7, 1939, is hereby designated as Lighthouse Week in commemoration of the one hundred and fiftieth anniversary of the enactment by the first Congress of the United States of the ninth Act of said Congress, which was approved by President George Washington on August 7, 1789, and laid the foundation of the United States Lighthouse Service by providing that all expenses in the necessary support, maintenance, and repairs of all lighthouses, beacons, buoys, and public piers to render navigation safe and easy should be paid for by the Treasury of the United States. During said week all Government officials are hereby directed to display the flag of the United States on all Government buildings, and are requested in appropriate manner to celebrate the enactment and approval of said Act.

"Sec. 2. That the President of the United States is hereby requested, by appropriate proclamation, to call attention of all citizens of the United States to said event and to request the cooperation of all citizens, communities, civic organizations, States, municipalities, counties, public agencies, churches, and schools in an appropriate recognition of the devoted, efficient, faithful, and splendid work of the Lighthouse Service for one hundred and fifty years in the safeguarding of life and property upon the sea";

Observance invited.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do call upon the officials of the Government to observe the provisions of the aforesaid public resolution, invite the attention of all citizens of the United States to the celebration of Lighthouse Week commencing August 7, 1939, and request the cooperation of communities, civic organizations, States, municipalities, counties, public agencies, churches, and schools to recognize in an appropriate manner the devoted, efficient, faithful, and splendid work of the Lighthouse Service for one hundred and fifty years in the safeguarding of life and property upon the sea.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19<sup>th</sup> day of July, in the year of our Lord nineteen hundred and thirty-nine, and  
[SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## RELATING TO NEWLY-MINED DOMESTIC SILVER

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 25, 1939

[No. 2342]

## A PROCLAMATION

WHEREAS, by Proclamation of the twenty-first day of December, 1933, as modified by Proclamations of the ninth day of August, 1934, the tenth and twenty-fourth days of April, 1935, the thirtieth day of December, 1937, and the thirty-first day of December, 1938, the United States coinage mints are directed to receive for coinage and addition to the monetary stocks of the United States silver mined subsequently to December 21, 1933, from natural deposits in the United States or any place subject to the jurisdiction thereof;

Coinage of silver.  
Preamble.  
48 Stat. 1723; 49  
Stat. 3402, 3445; 52  
Stat. 1530; ante, p. 2517.

AND WHEREAS, such Proclamation as so modified is subject to revocation or further modification as the interests of the United States may seem to require.

NOW, THEREFORE, finding that the interests of the United States require further modification of said Proclamation of the twenty-first day of December, 1933, as so modified; by virtue of the power in me vested by the Act of Congress cited in said Proclamation, and other legislation designated for national recovery, and by virtue of all other authority in me vested;

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and direct that, unless repealed or further modified by Act of Congress or by subsequent Proclamation, the said Proclamation of the twenty-first day of December, 1933, as heretofore and hereby modified, shall remain in force and effect until the thirty-first day of December, 1939, with respect to silver mined subsequently to December 21, 1933, and on or before July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof; and I do further proclaim and direct that the proviso:

Time limit extended.

"that silver to be eligible for receipt under the said Proclamation of the twenty-first day of December, 1933, as heretofore and hereby modified must be delivered to a United States coinage mint not later than June 30, 1939."

Provision rescinded.

stated in the said Proclamation of the thirty-first day of December, 1938, is hereby rescinded.

Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this Proclamation as the interests of the United States may seem to require.

Right of revocation or modification.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of July, in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## NATIONAL AVIATION DAY

July 25, 1939

[No. 2343]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

National Aviation  
Day.  
Preamble.

WHEREAS the development of aeronautics in recent years has been so rapid that aviation in its many phases has come to exert a profound influence on the course of events throughout the world; and

WHEREAS American initiative and industry have contributed greatly to this development and should be encouraged to continue such contribution in order that the United States may retain its outstanding position in the field of aeronautics; and

*Ante*, p. 739.

WHEREAS Public Resolution No. 14, 76th Congress, approved May 11, 1939 (53 Stat. 739), provides:

Statutory authori-  
zation.

"That the President of the United States is authorized to designate August 19 of each year as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States."

August 19, 1939, and  
August 19 of each suc-  
ceeding year desig-  
nated as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate August 19, 1939, and August 19 of each succeeding year as National Aviation Day, and call upon officials of the Government to display the flag of the United States on all Government buildings on that day, and invite the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in this country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of July in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## TUZIGOOT NATIONAL MONUMENT—ARIZONA

July 25, 1939

[No. 2344]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Tuzigoot National  
Monument, Ariz.  
Preamble.

WHEREAS certain Government-owned lands in the State of Arizona have situated thereon historic and prehistoric structures and other objects of historic or scientific interest; and

WHEREAS it appears it would be in the public interest to reserve such lands as a national monument to be known as the Tuzigoot National Monument:

Establishment.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in the State of

34 Stat. 225.  
16 U. S. C. § 431.

Arizona are hereby reserved from all forms of appropriation under the public-land laws and set apart as the Tuzigoot National Monument:

*Gila-Salt River Meridian*

Description.

T. 16 N., R. 3 E., beginning at a point in section 21, N. 83 degrees 51 minutes, E. 5032.4 feet of the W  $\frac{1}{4}$  corner said section 21; thence N. 26 degrees, 55 minutes, E. 1950.5 feet; thence S. 63 degrees, 05 minutes, E. 594.5 feet; thence S. 19 degrees, 56 minutes, W. 2977.7 feet; thence W. 70.0 feet; thence N. 13 degrees, 52 minutes, W. 1369.1 feet to the place of beginning containing approximately 42.665 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Warning against unauthorized acts.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (c. 408, 39 Stat. 535; U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision.

39 Stat. 535.  
16 U. S. C. §§ 1, 2.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of July in the year of our Lord nineteen hundred and thirty-nine, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*





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